

**THE THEORY AND PRACTICE  
of  
DISCIPLINE  
IN THE SCOTTISH REFORMATION**

**A THESIS**

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**by**

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To My Wife.....

Whose patience and  
encouragement have  
made this study  
possible



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## Introduction

The history of the sixteenth century in Scotland could be written around the theme, "The Need for Discipline." Every sphere of human life was in commotion. Along with every other state in Christendom, Scotland was witnessing the break-down of many of her familiar medical political and ecclesiastical institutions. The intellectual stimulus of the Italian renaissance and French humanism, the continental and English reformations in religion, mounting anti-papal feeling, the rise of the merchant class in Scottish cities...these were the chief factors which produced the politico-religious revolution in Scotland during the middle decades of the sixteenth century.

The year 1560 is the date usually accepted for the establishment of the reformed faith in Scotland. From this year the essential position and responsibility of the Scottish reformers changed from destroying an old order (which had become relatively ineffective in discipline) to building a new order which could answer the long-range spiritual and moral needs of all classes of Scottish society, and which could supply new institutions to fill the vacuum caused by the gradual collapse of the old pre-reformation church.



The word Discipline and the Scottish documents of discipline were the focus of this amazing effort to re-order the entire nation in 1560. The focus of this thesis is the attempt to discover the original theory of Scottish reformed discipline and to watch it in early practice.

Sixteenth century discipline is neither a dead issue in the twentieth century, nor a matter merely of academic interest. Basic disagreements on matters relating to discipline have helped to cause and to perpetuate divisions within the reformed church in the British Isles and in those parts of the world where Britishers have settled. One of the chief reasons that these divisions and controversies have persisted is that the political and ecclesiastical climate has seldom encouraged an unbiased study of the original theory (or theories) of reformed discipline. Therefore, because of the inability of early reformers to agree upon their basic theory, and because of the warping and splintering of the theory by second-generation reformers, later churchmen have continued to misunderstand discipline. Since it became a controversial issue, discipline has been largely ignored by a divided protestantism. Sectarian spirit for centuries has been content to leave this divisive issue in the silence of history. Fortunately, the political climate has cleared, and the ecclesiastical atmosphere of ecumenicity in the twentieth century makes this type of study not only desirable but imperative.

A number of admirable studies have been made of various aspects of Scottish discipline in the sixteenth century. These will be

referred to frequently and can be noted in the bibliography. Among the most important are A History of Discipline in Scotland by Ivo Clark, Old Church Life in Scotland by Andrew Edgar, and essays by Edgar and Andrew Macgeorge in Robert H. Storey's The Church of Scotland Past and Present. I justify another study in this area for two reasons:

(1) Most of these previous studies are historical surveys tracing discipline back to early pre-reformation roots and on through several centuries of Scottish practice. Detailed study of the theory of discipline in the mid-sixteenth century is not possible in works of such wide scope. Then (2) most scholars have tended to concentrate upon one important element in the total context of discipline--usually church polity or kirk session censures. Though this usually has been justified by definition and limitation, yet such limitation automatically precludes a full understanding of the original theory of discipline.

Thus Ivo Clark begins by recognizing that the original theory of discipline included a "variety of meanings:" "the corrective treatment of church members...certain aspects of polity and government...(and) the spiritual training of the individual in the Christian life." <sup>(1)</sup> Yet because of the scope of his work and his wish to avoid the "vexed questions" of "Episcopacy versus Presbytery," <sup>(2)</sup> Clark centers his interest on what he has defined as "Church discipline proper" <sup>(3)</sup> by

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(1) Clark, A History of Discipline in Scotland, p. 1

(2) Ibid, p. 26.

(3) Ibid, p.72.



which he means the punitive and restorative discipline of the kirk session and presbyterian courts. Thus he tends quite unintentionally to obscure the original broad theory.

This is the net result also of Janet G. MacGregor's The Scottish Presbyterian Polity where a particular constitution and government would seem, by implication, to be the crux of discipline and the reformation.

These tendencies only emphasize the need to focus attention on the very important final four decades of the sixteenth century when the original broad theory of discipline was seeking to establish itself, and when the process of splintering and warping had already begun.

To understand the original theory (or theories) may give the perspective necessary to assist in healing the divisions which persist between presbyterianism and anglicanism. At least it may help to clarify the use of the word discipline when it still appears ambiguously in presbyterian pronouncements.

For example, the Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual of 1921 (ch. 29; 11 & 12 Geo. 5.), in sections IV and VII, uses the term discipline in two meanings without clarification. Section IV, dealing with the unique powers of church government in the hands of officebearers, speaks of their right and power "to adjudicate finally in all matters of doctrine, worship, government, and discipline in the church..." This reduces discipline to a matter of censures distinct from government and worship and is not the inclusive theory of 1560. Yet this wider usage does appear

in the same Articles Declaratory in Section VII on church union:

The Church of Scotland, believing it to be the will of Christ that His disciples should be all one in the Father and in Him, that the world may believe that the Father has sent Him, recognises the obligation to seek and promote union with other Churches in which it finds the Word to be purely preached, the sacraments administered according to Christ's ordinances, and discipline rightly exercised...

The churches stemming from the British reformation must study afresh The Theory and Practice of Discipline in the Scottish Reformation to grasp anew the original goals toward which the reformers were striving, to see more clearly their mistakes and the early reasons for division, and to open more channels of conversation and study which may lead to closer Christian communion.

General thanks are offered by the author <sup>(1)</sup> to each Scottish friend whose warm hospitality over a two-year period made this study such a personally satisfying and rewarding experience. Special appreciation is due Professor William S. Tindal, O.B.E., D.D., Principal J. H. S. Burleigh, B. Litt., D.D., and Gordon Donaldson, Ph. D., of the University of Edinburgh for their friendly concern and advice.

It is to be noted that the spelling and punctuation throughout this work, with the exception of direct quotations which are true to original sources, follow standard American usage.

J. Wiley Prugh

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(1) The author is an American Clergyman, ordained in the United Presbyterian Church of North America, a denomination formed by a union in 1858 of groups of Scottish Covenanter and Seceder descent.

PART ONE

SCOTLAND'S NEED

and

THE REFORMERS' SOLUTION

## Chapter I

## SCOTLAND'S NEED

"Where the bond of discipline is despised, the only result can be that religion is ship-wrecked..." (1)

So wrote King James I of Scotland to the prelates of the Benedictine and Augustinian Orders in 1429 A.D. The handwriting on the wall was apparent to this monarch who possessed a sincere concern for his church and nation. Nor was he alone in the realization that discipline was an absolute necessity. A brief summary of the problems relating to discipline in Scotland preceeding the reformation will point up the issues which the reformers faced and will demonstrate the need for moral and spiritual ordering.

On the surface there was an ordered society in fifteenth and sixteenth century Scotland. Scotland possessed her institutions of law and order in both church and state. The familiar politico-religious governmental framework known as "The Three Estates" was accepted with gratitude and pride by men of every degree and opinion. Bishop John Leslie, a staunch supporter of the old Catholic order and an able ecclesiastical lawyer, wrote glowingly of "the forme of Scotland," which flourished in the "thrie estates of the realme." (2) But so did John Knox,

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(1) William C. Dickinson, Gordon Donaldson, Isabel A. Milne, A Source Book of Scottish History, Vol. II, p. 98.

(2) John Leslie, History of Scotland (Dalrymple translation), Vol. I, p. 128.



who accepted the three estates as the basis for his doctrine of "special vocations."<sup>(1)</sup> By special vocations Knox differentiated degrees and functions among Christians in civil and ecclesiastical institutions while yet affirming (under the doctrine of "general vocation") that in faith all Christians stand equal before God.

The means for achieving a disciplined nation were available, and yet the ends were not being attained in the sixteenth century. The responsibility for this, according to King James VI, was that, though the "ancient and fundamentall policie" of the kingdom was good, within the framework there were "speciall vyces to which everie estaite heirof (are) generallie subject..."<sup>(2)</sup>

#### i The Ecclesiastical Estate

The first estate, the pre-reformation clergy, presented a decadent and distorted ecclesiastical ministry to sixteenth century Scotland. "The life of monie ecclesiastik persounis to the Calvinist ministeris gave mater enuche with the peiple to ryve doune the Kirke."<sup>(3)</sup> Bishop Leslie was supported in this criticism by another priest, young Ninian Winzet, who passionately sought reform within the Catholic church:

Tweching religion (quhairupon the weilfair of the realm  
is onely groundid)...(we) can esteme it to na thing mair  
lyke than an schip in ane dedely storme...bydit thir  
mony yeris be slauthfull marinaris and sleipand sterismen ...<sup>(4)</sup>

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(1) See Knox's revision of a treatise On Justification by Faith, by Henry Balnaves, Laing, Works of John Knox, Vol. III, p. 526 et seq.

(2) James VI (J. Craigie), The Basilicon Doron, S.T.S., Vol. I, pp 72-3.

(3) Leslie, op. cit., II, p. 466.

(4) Ninian Winzet, Certain Tractates (Hewison), S.T.S., I, p. 3.



This sloth of the clergy in matters moral and spiritual (which affected both their personal and professional lives) was due to a number of abuses which had gradually developed not only in the Scottish church, but throughout all of Christendom. Perhaps the easiest way to get these before us is to list a few of the canons passed by a pre-reformation church council in November of 1549. These acts record particularly the lack of professional discipline among the clergy.

1. Preaching to the people.
2. Teaching grammar, divinity, and canon law.
3. Visiting and reforming monasteries, nunneries and hospitals.
4. Recalling fugitives and apostates, whether monks or nuns.
5. Preventing unqualified persons from receiving orders and cure of souls.
6. Enforcing residence at the charge.
7. Restraining pluralities.
8. Preventing the evasions of spiritual censures by bribes or fines.
- 9/ Silencing pardoners, or itinerant hawkers of indulgences and relics.
10. Compelling parish clergy to do their duty in person.
11. Reforming abuses of the consistorial courts. (1)

Also, some of the personal moral vices can be understood from the angry words of Winzet:

Your merchandice...symonie...glorious estait...solicitude be mariage...distribution of benefices to your babeis, ignorantis, and filthy anis...your dum doctrine in exalting ceremonies only...keiping in silence the trew word of God necessar to al manis salvation...Quhat part of the trew religion be your sleuthful domion and princelie estait is not corruptit or obscurit? (2)

What had brought the ecclesiastical estate to such an undisciplined condition? It will be sufficient simply to list three major

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(1) Stat. Eccles. Scot. (Josph Robertson), cxlvii, pp. 91-129, 266-7, 288-305.

(2) Winzet, op. cit., I, p. 6.

factors which distracted the early sixteenth century clergy from their moral and spiritual ministry.

First, there was an over-emphasis upon the superstructure and organization of the church. The fifteenth and sixteenth centuries were years in which the church of Scotland had been caught between the pope and crown. Out of this struggle came uneasy compromises, factions and debates about internal organization, which led (among other things) to the erection of the archbishoprics of St. Andrews and Glasgow and their embarrassing intestine strife just before the reformation. Thus the church and her clergy were too absorbed in matters of internal government to devote their central concern to the spiritual and moral mission.

Second, there was a lamentable secularization in spirit and conduct among the clergy. This was due in part to the increasing wealth and prestige of the sixteenth century spiritual lords and aspiring clergy, and due in part to interference by the nobility. "The papal court had...become, and remained, the market where ecclesiastical promotion could be 'purchased.'"<sup>(1)</sup> Thus, when half of the wealth of Scotland was held by the church, temptations to seek preferment within the church were very great. It was "the over-great revenues of the monks" which to Cardinal Sermoneta<sup>(2)</sup> in 1556 seemed "to be the cause of this unbridled licence" of the high ranking clergy. Perhaps

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(1) Source Book II, p. 81

(2) Ibid., p. 142



this would not have become such a distracting evil had preferment been sought only by men in ecclesiastical orders. But "at no time during the three hundred years which preceded the Reformation does it appear that the Scottish bishops succeeded in making orders an indispensable qualification for a benefice."<sup>(1)</sup> This granting of rich church revenues and ecclesiastical responsibilities to non-clerical and often non-resident persons (a scheme by which the papacy sought to support its crumbling empire) was directly opposed to effective discipline.

Third (and resulting from the first and second factors) was the neglect of parish churches.

In at least three-quarters of the parishes of Scotland the parson's revenues were going outside the parish, while the parochial work was committed to an underpaid vicar.... The inevitable consequences were that the parish clergy tended to be of low intellectual and moral standards; their only way of making ends meet was either to secure more than one living, or else to undertake some worldly occupation, and in either case their duties were neglected. (2)

Therefore, with the primary concerns of the church and churchmen being directed toward temporal power and wealth, the net result was not only their own personal, moral, and spiritual disintegration, but also the loss of a functioning spiritual ministry. The gradual decay of the clergy at first had been winked at by the other estates, but as burdens and abuses mounted, the value of all types of religious orders began to be questioned. They appeared to one who remained loyal to

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(1) Robertson, op. cit., p. ccv.

(2) Gordon Donaldson, The Scottish Church from Queen Margaret to the Reformation, S.P.C.K., pp. 13-14.

the church as "shepherds whose only care it is to find pasture for themselves..."<sup>(1)</sup>

It is little wonder that the unrest stemming from the Lollard movement and the "pestilencious hereseis of Luther" found fertile soil in Scotland in the sixteenth century. The translation of the Bible, the coming of printing to Scotland, and the knowledge gained from commerce and travel abroad were effective weapons by which new protestant preachers were able to open up these glaring deficiencies of the ecclesiastical estate. The momentum of this national religious movement, both within and without the ecclesiastical estate and directed squarely against it, had so increased by 1555, that to Knox, returning from Geneva, the spread of protestantism seemed miraculous: "Gif I had not sene it with my eyis in my own contrey, I culd not have beleivit it."<sup>(2)</sup> Collapse of the old church order (though not as rapid nor complete as most historians assume) seemed certain by 1560.

Yet all was not darkness in the old church, and protestantism owed the Roman church a real debt in matters relating to discipline. In general, the old church was spiritually asleep and morally lax. But it must be remembered that it was within the old structure that the reform movement grew. Most of the leaders of reformation in Scotland (as elsewhere) were in orders in the Roman church. Their

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(1) John Major, History of Scotland, pp. 136-7.

(2) Works, IV, p. 217.



consciences were aroused by an older ideal of church and ministry from which sixteenth century practice was obviously a deterioration. The church as a disciplined, reforming institution had always been the ideal inherited through the centuries leading back to the New Testament. We have already noted a very few of the many voices which might be cited to prove that the conscience of the old church in Scotland was never completely asleep or dead in matters of discipline. Sensitive men and women in the church could never quite forget, no matter how much practice deviated, that the ideal of the monastic life was to live a life of systematic labor, meditation and prayer.<sup>(1)</sup> Nor was the structure and ideal of discipline absent from the "secular" clergy (those responsible for the ministry of the church in the world beyond the monastery and cloister).

The reformers, though introducing many changes, owed much to the pre-reformation church, which had evolved a system to promote religion, justice and morality among both the clergy and laity. The Council of the church in Scotland before 1560 maintained a structure of disciplinary machinery at work in the nation which, in theory and even in practice, was revised and used by the reformed church as we shall have occasion to note later. Clark has pointed out that the chief disciplinary instruments in use by the Scottish church were: I. The

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(1) Donaldson, op. cit., p. 7.



Sacrament of Penance (by which the local priest attempted to deal with the problem of the sins of the laity); II. The Archdeacons' Visitations (by which the bishop through this delegated official or his deputy might have a disciplinary check upon the work of the churches and the lives of the secular clergy in his diocese); and III. The Bishops' Courts where all matters pertaining to religion and morals could be decided according to the great canon law of the church of Rome.<sup>(1)</sup> A vast amount of work was handled by these consistorial courts which included many civil matters as well as purely ecclesiastical cases. There were abuses, but the high justice of the canon law and the skill of the carefully trained "officials" (or ecclesiastical lawyers whom the bishops employed as their judicial deputies) conspired to make bishops' courts the most valuable source of justice in the nation.

Nor was all this merely so much ecclesiastical machinery lying motionless just prior to the reformation. We have noted above the disciplinary canons of the Council of 1549. This was only one of a series of such assemblies between the years 1547 and 1559. The pressure of reformers within and without the structure of the old church kept the disciplinary conscience alive. The last meeting of the old council in 1559 adjourned, intending to meet again the following year "to

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(1) Clark, op. cit., pp. 40 et seq.

make inquiry as to the due execution of the canons, and take counsel as to any further questions of ecclesiastical discipline which might arise in the meanwhile." (1)

Thus, there were many vices in the ecclesiastical estate, and there was much to despise in its lack of effective discipline. Yet there was much to praise and here lay a heritage for which the reformers could well have been more grateful. The original theory of an ordered, regulated, spiritual and moral ministry was never lost, and the familiar agents and agencies of discipline must have kept alive in the conscience of the decaying church a living picture of what her clergy ought to be. If the pre-reformation ecclesiastical estate in its avarice and laxity created a large measure of the need for new order and discipline, it also pointed the direction which the new discipline would take.

## ii The Nobility

If the ecclesiastical estate contributed to the critical disorder of the sixteenth century, their literal first cousins, the Scottish nobles, were equally to blame. King James VI, at the end of the sixteenth century, wrote of the "naturall seikenessis" of this estate, and John Major at the beginning of the same period had summarized them as follows:

Among the nobles I note two faults. The first is this:  
If two nobles of equal rank happen to be very near  
neighbors, quarrels and even shedding of blood are a

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(1) Stat. Eccles. Scot., p. 176.

common thing between them; and their very retainers cannot meet without strife... The second fault I note is this: The gentry educate their children neither in letters nor in morals--no small calamity to the state. (1)

Something of the mood of the period can also be gleaned from George Buchanan's apology for the life of King James V, the first noble of his day.

...His great virtues were almost equalled by his vices, which yet seemed rather those of the times... for a universal licentiousness had so loosened the public discipline that it could not be restored without great severity of punishment. (2)

As with the clergy, the failure with the nobility from the king down was not merely a failure of personal morality, but a failure in their disciplinary office as well. Under the feudal system the king and the nobility were the chief magistrates of the nation. In the medieval synthesis of church and state, both temporal and spiritual lords (and, in theory, all freeholders) were expected to unite in parliament for the governing of the nation and the support of the Christian faith, and were also the recognized magistrates in their own individual domains.

In addition to their ignorance, immorality and self-seeking, there were many other reasons in the sixteenth century for the seeming inadequacy of this class. Scotland was difficult to govern for geographical, cultural, military and political reasons, as the reformers were to learn by hard experience. The highlanders were barely civilized,

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(1) Source Book 2, p. 8

(2) Buchanan (Aikman), History II, p. 97.



and the island districts were virtually independent of the crown.

The battle of Flodden in 1513 had drained off much of the stronger nobility badly needed for the work of justice and order. Transport was not easy; representation was difficult in parliament and in the unpopular national courts of justice. Nor was this general confusion improved initially by the rise of new ideas of government. The growth of cities and a wealthy merchant class (so important for an understanding of the reformation as a whole and of the establishment of discipline in the cities of Scotland) brought tension rather than unity and order.

Thus, in the sixteenth century, the nobility was a class whose authority was badly needed for ordering the nation. Yet they were failing as magistrates because of the difficulties of the times and their own personal lack of discipline. They refused to break with their privileged past in the feudal system by facing squarely the insistent demands being made upon them for the establishment of justice and for religious reformation.

The central importance of the crown and this somewhat decadent nobility in the national structure of Scotland placed the reformers in a difficult position. Knox and his associates knew that there was little hope for establishing the reformed faith without the authority and support of crown and nobility. Therefore, with all zeal and vehemence, in 1558 he addressed letters to the Queen Regent (to whom he had written previously) and also to the nobility, to remind them

tha t no offender can justly be exempted from punysheiment,  
and that the ordering and reformation of religion with the  
instruction of subjects, doth especially appertaine to the  
Civile Magistrate. (1)

Yet such undisciplined persons (as most of these magistrates  
obviously were from the reformers' point of view) would hardly prove  
adequate instruments for the form and quality of discipline desired. A  
discipline withint the reformed church, then, must be discovered, to  
which all estates would be subject. It was be capable of "reproving  
and correcting off faltis which the civill sweard doeth...neglect..."(2)  
The reformers were never to be free from problems centering about the  
magistrates. We shall see that discipline could not be achieved without  
recourse to the civil officials, but neither could it attain its desired  
spiritual practice with such close coordination of the spiritual and  
temporal estates. Both the success and failure of protestant discipline  
in the sixteenth century were closely allied with the activities of the  
greater and lesser magistrates, a large percentage of whom were drawn  
from the Scottish nobility.

### iii The Rising Lower Classes

Yet not all Scottish magistrates in the sixteen hundreds were feudal  
nobles. In fact, in many ways the most dynamic segment of population  
were the lesser barons. Bishop Leslie describes these men who  
"through the weires..lettirs, or money achieved positions of prominence."

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(1) Works, IV, p. 486.

(2) Ibid., II, p. 227.



In 1560 there came a petition from the "Barons and Freeholders" of the realm to Parliament claiming an ancient privilege of representation and demanding that "their advice and vote... be taken"<sup>(1)</sup> Fortunately for the cause of reformation this petition was granted. The center of power gradually shifted from the crown and nobility to the people as is attested by the remark of an English ambassador in 1572: "Methinks I see the nobelmen's great credit decay in this country and the barons, burrows, and such-like take more upon them."<sup>(2)</sup>

In addition to the barons and freeholders, who were a privileged class, there were craftsmen, workers and serfs who were just beginning to rise to a consciousness of their rights. In the "Complaynt of Scotlande" the poor laborer declared himself "An notabil membyr of ane realme."<sup>(3)</sup> Just before the reformation the "Beggars' Summonds" desired "restitution of Wranges By Past, and Reformation in Tyme Coming." This was not only a desire; it was a threat to "enter and tak possessioun of our saide patrimony, and eject youe utterlie fourth of the same."<sup>(4)</sup>

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(1) Letter from Randolph to Cecil, 7 Aug., 1560, Calendar of Scottish Papers, p. 455.

(2) Killegrew to Burleigh, 11 Nov., 1572, State Papers, Domestic.

(3) Croft Dickinson, John Knox, History, Vol. I, p. xxvi.

(4) Ibid., Vol. II, pp. 255-6.

By far the most volatile and creative elements in sixteenth century Scottish life were in the ranks of the commons. Here were men of letters and men of means; men able to read, to whom the Bible had become a fresh and divine oracle; men who (in commerce, religion and politics) were involving themselves inextricably with the new ideas and movements of England and the continent. Among these "innovations" the term discipline was gaining increasing prominence in the fourth and fifth decades of the century.

## iv

Thus, we see something of the commotion and need for order in Scotland in the sixteenth century. The framework of the three estates, and the framework of the old Catholic church were intact up to (and even after) 1560, but there were enlightened spirits in each of the estates, both in and out of the old church, who shared the common conviction that reformation and discipline were badly needed. Persons like John Major, George Buchanan, Ninian Winzet, George Wishart, John Knox, Erskine of Dun, Lord James Stewart, William Maitland (younger), Sir David Lindsay, Henry Balnaves, and many others were not so widely separated as their professions, ecclesiastical loyalties, wealth and social status might at first seem to indicate. For the first time in Scottish history, public opinion in the whole nation was rising to face these problems of finding effective order. <sup>(1)</sup>

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(1) Hume Brown, The Moulding of the Scottish Nation, Scottish Hist. Rev., I, p. 259.

As we have traced the need for discipline through the three estates three levels of need have become apparent: (1) the need of the whole nation for effective instruments of unity, law and moral control; (2) the need of the Church of Scotland for a spiritual ministry particularly at the parish level; and (3) the need within the church for a disciplined clergy to become adequate examples and agents for moral and spiritual discipline.

With these needs in mind, it will now be possible to understand the wide scope and the particular concerns of the several documents by which protestant discipline was introduced--the reformers' answer to Scotland's confusion in the sixteenth century.



## Chapter II

## THE REFORMERS' SOLUTION

Discipline had been a familiar theory throughout Christian history.<sup>(1)</sup> The concept of an ordered Christian life and of a carefully structured church in whose institutions everything was done "decently and in order" had been ideals motivating great churchmen in all ages since the New Testament era. The previous chapter has established the fact that in Scotland the reformers were not turning to a new theory, because the forms and structures which had evolved through fifteen hundred years were all intact in Scotland in and after 1560. Rather, these men were attempting to transform discipline from a formal to a dynamic element in Scottish life. Two additional drives, however, complicated this revival of discipline and insured the revolutionary character of the change from the older order to the new: (1) the reformers' insistence upon over-leaping history to return to the controversial New Testament church for their patterns in discipline (though, as we shall see, there was far from universal agreement among leading reformers about the forms of the New Testament church); and (2) their unexamined prejudice against the papacy.

With these observations in mind, it is time to examine the documents of discipline and the essence of the theory by which the Scottish reformers sought to meet the needs of the nation in 1560. In this chapter we are presenting discipline as it appeared in the original documents of the reformation,

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(1) Clark, op. cit., p. 9 et seq.

and as it would have been understood by the average member of a "kirk" in the city of St. Andrews or Edinburgh. From this cursory survey of the documents we will learn much. Yet we will be left with ambiguity and a clear, comprehensive definition will elude us. Why was there no clear definition? Was the ambiguity ever resolved?

These questions require us, in the remaining chapters, to sketch the continental and English background in which Scottish theory was rooted. Discipline was a widely accepted protestant theory in Germany, Switzerland and England by 1560, and the Scottish reformers travelled, studied, lived and worshiped in these areas. This review will show us reasons for the unresolved ambiguity in Scotland in 1560. The last section of the study will demonstrate the splintering and change of the original design of the reformers due in part to the fact that there was no clear definition during the early years of the Scottish reformation. Now to the original documents and theory.

#### i The Original Document of Protestant Discipline Knox's Liturgy

The so-called First and Second Books of Discipline are the disciplinary documents most familiar to the average student of Scottish history. Yet these were not the first to present the theory of discipline to the northern kingdom. ✓

The First Book of Discipline expressly approved an earlier document entitled The Book of our Common Ordour, callit the Ordour of Geneva<sup>(1)</sup>

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(1) Works II, p. 210; cf. Mitchell, The Scottish Reformation, p. 127.

which contains a section headed "Ecclesiastical Discipline." This liturgy (which will be discussed again in Chapter III) was first used by John Knox in the congregation of English exiles in Geneva from 1556 to 1559; it became the primary order for protestant worship in Scotland though it did not entirely supersede the Prayer Book (or English liturgy of Edward VI).

There are a number of reasons why this document in Scotland is basic to an understanding of the development of discipline. It was the first document. It gives us the early thought of a leading reformer, John Knox. It was also the document which remained closest to the people of Scotland at the parish level. It was this liturgy which was officially adopted and ordered to be printed by action of the general assembly of December 1562,<sup>(1)</sup> and was urged again upon the church in December 1564 when "it was ordained that everie Minister, Exhorter, and Reader, sall have one of the Psalme Bookes latelie printed in Edinburgh, and use the order contained therein..."<sup>(2)</sup> David Calderwood added the conclusive evidence to prove the continuing influence of the Genevan Order in matters of discipline. When in 1622 he published

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(1) The Booke of the Universal Kirk of Scotland, I, p. 30

(2) Ibid., p. 54



the First Book of Discipline in his history, he appended other material as well. The section on ecclesiastical discipline was among this material lifted from the liturgy and included with this explanation:

the maner of election and admission of ministers, elders and deacons, and of superintendents for the time, the order of discipline, and censuring of offenders, etc... may be gathered not onlie of the First Booke of Discipline, but also out of the Liturgy, or maner of ministration of the sacraments, and forme of divine service, which is sett down before the Psalmes. (1)

The importance of Knox's liturgy is emphasized also by the fact that the First Book of Discipline (the first document of national scope, composed in Scotland for the Scottish church was never accepted by the Scottish parliament and was never published in full until the Calderwood edition of 1622. This latter circumstance must have restricted its influence largely to official assembly and parliamentary circles. It should be noted that Ane Schorte Somme of the Buik of Discipline for the instruction of ministers and Reidaris in thair office did exist and probably was prepared between 1567 and 1575.<sup>(2)</sup> Yet it was the liturgy which continued to be most familiar to the church at large and from which the theory and practice of discipline were studied at the congregational level.

As we move on to introduce the First Book of Discipline, it is instructive to notice that in the liturgy, Ecclesiastical Discipline is only one section of this volume accurately referred to as The Book of Common Order. This order was not entitled The Book of Discipline.

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(1) Works, II, p. 62 et seq.

(2) Dunlop Confessions II, p. 608 et seq.; See infra, p. 172

ii The First National Scottish Document of Discipline  
The First Book of Discipline

Actually there were two native documents which came to the fore.

They were composed by the same six Johns: John Wynram, John Spottiswoode, John Willock, John Douglas, John Row, and John Knox.

The Scots Confession was written to state "in playne and severall heidis the summe of that Doctrine quhilk they wald menteyne, and onlie necessarie to be believit..."<sup>(1)</sup> The Booke of Discipline, the companion volume, appeared later in the year following a commission given to the authors "to draw in a volume the Polecey and Disciplyn of the Kirk."<sup>(2)</sup>

The place of discipline in this Book of Discipline is very ambiguous. As in the liturgy, so here a special section (head number seven) is entitled Ecclesiasticall Discipline. Why, then, is the entire volume referred to as The Book of Discipline? Several reasons will emerge.

Originally, it is probable that no title was given this volume.<sup>(3)</sup> It was designated in a number of ways. The English ambassador, Randolph, writing to Secretary Cecil in August, 1560, called it "their Booke of Comen

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(1) Works, II, p. 92

(2) Ibid., p. 128

(3) "There is no separate title either in the MS 1566, or in Vautrollier's edition, which contains the earlier portion of the Book of Discipline." Laing, Works II, p. 183, note 1

Reformation."<sup>(1)</sup> A letter in December described the book more accurately as "The Book of Reformation and Discipline."<sup>(2)</sup> The most precise description was that given by Knox in describing the authors' commission: "The polecey and Disciplyn of the Kirk." This is also the accurate correction given in the Dunlop edition of 1722 in which the title page reads: The First Book of Discipline: or the Policie and Discipline of the Church, etc.<sup>(3)</sup> The reformers were attempting to make a distinction between the terms "discipline" and "policy."

But such a distinction was difficult to make and keep. Knox himself freely referred to the volume as "The Book of Discipline." For example, in his history he spoke of the fact that "the name of the Book of Discipline" became odious to certain of the grasping nobility.<sup>(4)</sup> As this title became popular and familiar, it must have assumed a definition far broader in scope than that suggested by the limited and technical term, ecclesiastical discipline. Was this ambiguity, this attempt to make discipline more inclusive, a deliberate Scottish strategy, or was it rooted in the wider reformation theological discussion and uncertainty? Did the Book of Discipline attempt to clarify this matter of definition of terms? These matters must await further evidence and study.

We have suggested that the First Book of Discipline was more limited in influence than the liturgy. This was particularly true at the parish

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- (1) Brown, John Knox, II, note p. 125. Cf. St. Andrews Kirk Session Record Where a description of John Winram's election as superintendent of Fife is accompanied by the phrase "according to the order provydid in the Buk of Reformation." I, p. 73
- (2) Calendar of State Papers, I, p. 582
- (3) Dunlop, II, p. 515
- (4) Works, II, p. 128



level, but we must not minimize the continuing importance of the First Book of Discipline at the national level and in the early reformed church assemblies. A surface reading of Knox's history might lead us to conclude that the Book of Discipline never achieved any real position of importance. He suggested a complete rejection of the book by parliament explaining that the nobility saw in the Book of Discipline a threat to "thair carnall libertie and warldlie commoditie."<sup>(1)</sup> He noted that though some of the most powerful of the nobility and barons "willed the saymn have been sett furth by a law,"<sup>(2)</sup> others labelled it "devote imaginationis."

However this did not mean that the book was doomed to obscurity, or that discipline was relegated to an unimportant place in the Scottish reformation. Discipline was already operating in Scotland in 1560 in several reformed burghs. And, in so far as the parliament of August 1560 was a lawful parliament, the reformed faith (including discipline) summarized in the Scots Confession was established. Discipline was the third "mark" or basic element in the church set forth by the Confession.<sup>(3)</sup> On this foundation, the reformers, though temporarily frustrated in the defeat of the Book of Discipline, could move on, at least within the church, in the prac-

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(1) Works, II, p. 128

(2) Ibid.

(3) Ibid., p. 110

tice of discipline. It was thus accurate to claim, as did the session of St. Andrews in 1566, that "discipline is ane part of our religion, and we in possession therof at our Soweranis arryvall..."<sup>(1)</sup>

The Book of Discipline itself was far from a dead issue in the 1560's. That the reformers considered subscription to the Book of Discipline by a number of protestant lords and barons as a partial legal sanction is shown by the following quotation from the register of the kirk session of St. Andrews:

Seeing that it hath pleased the mercy of ovr God sa to illuminat the hartis of ane gret part of the consail, nobilities, and estatis of this realme, that clearlie thei can discern betuix lycht and darkness...that...thei have approved the puritie of doctrine and religion...and last hes gevyn to tham his fatherlie grace to re-saive, peruse, and approve the Buk of Reformacione... (2)

Certainly within the church the Book of Discipline did furnish the constitution for the emerging reformed structure and was appealed to frequently by the early church assemblies. For example, the book was appealed to in the Edinburgh assembly of 26 May, 1561 in the matter of ministers' stipends.<sup>(3)</sup> Again in 1562, in concerns relating to discipline, the Book of Discipline was referred to as the authority no fewer than four times.<sup>(4)</sup>

The Liturgy and the First Book of Discipline were the two basic documents by which the theory and practice of discipline were introduced to

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(1) SAKSR, I, p. 270

(2) Ibid., p. 74

(3) BUK, I, p. 8

(4) Ibid, I, pp. 15-17

Scotland. The liturgy was of primary importance at the parish level; the First Book of Discipline directed the national structure of discipline. We have noted the ambiguous use of the term in the second volume. It is time now to turn to the complicated task of discovering the substance of discipline in these documents.

### iii The Substance of Discipline in Knox's Liturgy

Discipline in the Liturgy was limited to one section, "The Order of the Ecclesiasticall Discipline."<sup>(1)</sup> What does this contain, and how does this section relate to the wider context of church and nation as outlined in the liturgy?

To answer these questions we must allow the document to speak for itself. The section on discipline is clearly divided into paragraphs with marginal headings which can serve as an outline for a brief summary. More complete treatment of important details will follow in Chapters VI and VII.

I. The Necessity of Discipline. Wherever there is human society (said the reformers), and most particularly in the society of the church "which requireth more purely to be governed," there must be "policie and governance." In the church these are called "Spirituell Policie and Ecclesiastical Discipline" and are absolutely essential if the church is to "continewe, encrease, and flourishe." Here, in this earliest document, we find the terms

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(1) Works, IV, p. 203, and VI, p. 323.



"policy" and "discipline" closely related yet carefully distinguished. <sup>(1)</sup>

II. What Discipline Is. Two general, and three particular definitions are given. (1) "Discipline is...synewes in the bodie, which knit and joyne the members together with decent order and comelynes." (2) Discipline "is an ordre left by God unto his Church, whereby men learne to frame their wills and goinges, accordinge to the lawe of God..." (This exalted summary, I believe, is not surpassed even in Calvin's Institutes.) The three more specific and limited definitions then follow. (3) Discipline is "a brydle to staye the wicked..." it is (4) "a spurre to pricke forward such as be slowe and necligent;" and (5) "for all men it is the Father's rodde ever in readines to chastise gentilye the fautes committed."

We pause here to note that if definitions (3), (4) and (5) (viz., the "brydle," the "spurre," and the "rodde") were the only ones given, it would be a simple matter to define discipline merely as a scheme of punitive measures outlined in the remaining paragraphs. But there are much broader implications in the "synewes in the bodie" and in "learning...to frame...wills accordinge to the lawe of God." The scope of these definitions would tend to draw much more of the church's life into the orbit of discipline.

III. For What Cause It Ought To be Used. The reasons which justified discipline were three: (1) the glory of God, (2) protection of the good members from evil influences, and (3) the restoration of offenders.

- (1) The early use of the terms discipline and policy undoubtedly seemed clear and distinct to the original reformers. Yet these concepts were in a state of flux. See infra pp. 42, 49, 148-9 for summaries of the evolution of the meanings of these terms.

In short, no person of ungodly life was to be "nombred amongst God's children..." This was a worthy and laudable goal; but far removed from the quality of life observed in Scotland in Chapter I.

Having sketched the basic principles underlying discipline, the Liturgy moved on to procedure. A determined effort to remain within scripture can be noted by observing the numerous proof texts used to support each paragraph.

IV. The Order of Proceeding in Private Discipline. Verses from Matthew 18, Luke 17, James 5, Leviticus 9, and II Thessalonians 3 were collated to chart the procedure of discipline. Two categories were outlined: private and public discipline. The first, if need required, might lead to the second.

Demand for discipline would arise if one individual committed an offense "either in maners or doctrine" against (or in the presence of) another member of the church. The appropriate action for the offended party was personal, immediate admonition. If the offender resisted, the next step was a further warning "in the presence of two or three witnesses." If still impenitent, the offender "oght to be disclosed and uttered to the church," at which point private discipline moved into the sphere of public discipline.

Possibilities (almost probabilities) of abuse were noted and three warnings were given: (1) admonitions must proceed from Godly zeal; (2) faults must be provable by God's word; and (3) doubtful cases where evidence was obscure required the greatest care. In this scheme of private discipline, every member was both an object and an agent of discipline. Quite literally,

discipline belonged to the whole church.

V. Of Public Discipline and the end thereof. The "Ministrie" (presumably "ministers and seniors" or elders) were to leave no known fault unpunished. The basic sins were enumerated: covetousness, adultery, fornication, forswearing, theft, bribing, bearing false witness, blaspheming, drunkenness, slander, usury. Also, as special objects of discipline, were "any person(s) disobedient, seditious, or dissolute, any heresie or sect as Papisticall, Anabaptisticall, etc."

VI. Excommunication is the last Remedie. The final resort in the procedure of discipline was "the apostolical Rodd," excommunication, to be used only when all else failed. Directing this terrifying procedure were "the ministers and seniors, to whome the policie of the church doth apperteine," but excommunication itself must be pronounced before the congregation and by the authority and consent of "the whole church."

VII. Rigor in Ponishments ought to be avoyded. The care and hesitancy in the actual use of excommunication shows something of the ideal and intent of protestant discipline. Excommunication must be controlled by two motives: (1) the leading of souls back into the church must always be more important than their expulsion, and (2) the offender, though excluded from the sacraments and other privileges, must have every opportunity and encouragement to return to the church. The excommunicate must always have access to "the hearing of sermons...that he may have liberty and occasion to repent."



VIII. God's Word is the onely rule of Discipline. Scripture was to be the ultimate authority in all matters of discipline: no practice could "stretche... farther than God's Word, with mercie, may lawfully beare."

Here, then, we have before us the core of protestant discipline as presented to Scotland by the Liturgy. The narrow and technical definition of the phrase "ecclesiastical discipline" has emerged clearly as a scheme for censure. But there were wider implications to the term "discipline" which have not been clarified. In many minds, discipline must have seemed as broad as the total life and government of the church.

iv The Ecclesiastical and Civil Context of Discipline in the Liturgy.

The "Order of Ecclesiasticall Discipline" was one of twelve chapters in the Liturgy, originally drawn up for the English Congregation in Frankfurt,<sup>(1)</sup> and first printed by John Crespin in Geneva in February 1556. In addition to various prayers, ceremonies, and the Psalmes in meter, there were the order of electing ministers, elders, and deacons; "The Assembly of the Ministry Every Thursday;" an order for a Monday scripture meeting; Calvin's Catechism; and (first in order and importance) the "Confession of the Christian Faith" which followed the outline of the Apostles' Creed.<sup>(2)</sup> Each of these chapters (with the exception of the catechism) appeared in the Edinburgh edition of 1562 printed by Robert Lekprevik, and again in the much enlarged edition of 1563 (containing, once again, the catechism).

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(1) Works IV, p. 146

(2) Ibid., p. 150

What do these chapters tell of the intended place of discipline in the life of the church and nation? First, its place in the church.

Here (as in the later Scots Confession of 1560 already mentioned) discipline was one of the three "tokens" or "markes" of the visible church.<sup>(1)</sup> Following German and Swiss reformers, the framers of the Liturgy distinguished two churches, the church visible and the church invisible. Actually, of course, the two churches were never thought of as separate, but rather as the true and the empirical views of the same fellowship. Like two circles of greatly differing area, the visible and the much larger invisible churches intersected. The church invisible was the great, ageless communion of all the elect in heaven and on earth. It was the vision of this church, gathered about the trinity, which led the reformers to reject the Roman church with its earth-bound papacy and hierarchy, its "opus operatum," its mechanical religious procedure and its stifling burden of ceremonies and works.

Yet the theologians of the reformation did not reject the church on earth, the visible church, but felt rather that it must be reformed into the "Trew Church"--a church oriented about Christ rather than a human pope or intermediary. However, the reformers frankly admitted limitations in the true church on earth. There would always be a number of hypocrites in the visible church (their number and identity known only to God). And there remained vestiges of weakness and sin in every true believer.

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(1) Works IV, p. 172; *Infra* pp. 41-4

In fact, this inner struggle against hypocrisy and sin created the need for discipline. When this internal struggle was joined by the external pressures from "the papistical forces of antiChrist," the multiplication of protestant sects, and growing secularism, the development of discipline seemed imperative.

The Liturgy set forth the absolute importance of discipline in the life of the reformed church:

....that church which is visible, and sene to the eye, hath three tokens, or markes, whereby it may be deserned. First, the worde of God conteyned in the Olde and Newe Testament...; the second is the holy sacraments, to witt, of Baptisme and the Lordes Supper; the third marke of this Church is Ecclesiasticall Discipline, which standeth in the admonition and correction of fautes. (1)

The significance of the high place of discipline in the church outlined by Knox's Liturgy is accented by the fact that Calvin (who in 1538 also believed "that we shall have no lasting church unless that ancient apostolic discipline be completely restored...")<sup>(2)</sup> had reduced the position of discipline in the 1559 edition of his Institutes of the Christian Religion. For Calvin, discipline was no longer a necessary mark of the visible church.

We have stated that the marks by which the Church is to be distinguished, are, the preaching of the word and the administration of the sacraments. For these can nowhere exist without bringing forth fruit...<sup>(3)</sup>

Perhaps, by 1559, Calvin realized that he had helped to open a

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(1) Works, IV, pp. 172-3

(2) Calvin's Letters, I, p. 42 (To Henry Bullinger)

(3) Institutes, IV, 1, x. Calvin's chapter on discipline is entitled "The discipline of the Church; Its Principal Use in Censures and Excommunication" (Secondary uses being Fasting and Prayer) Book IV, Chap. xii



Pandora's box in the matter of discipline, and was seeking to bring it back within compass again. This would seem to be indicated by Calvin's correspondence with Knox, and also by the pages of warning in the Institutes to those who were over-zealous, and over-dependent upon discipline as a means to spiritual ends. Since, in 1559, discipline was not a necessary mark of the church for Calvin, we must conclude that the framers of the Liturgy (and the Book of Discipline) were following Calvin at an earlier period, or were listening to other famous reformers. Considerable light will fall on this question in the next chapter.

Having been raised to the importance of a mark of the church, discipline became a major concern of the ministry. There were four offices mentioned in the simple reformed ministry outlined in the Liturgy, but only two of these dealt directly with discipline. The deacon was "to gather aulmes," and "to provyde for the sicke;"<sup>(1)</sup> the doctor, or learned teacher, was "to instruct and teache the faithfull in sownde doctrine..."<sup>(2)</sup> But the real work of discipline was a major concern of the ministers and the chief responsibility of the elders. These latter officers at the local level formed "the ministrie."<sup>(3)</sup>

The Order of the Election of Ministers and Elders<sup>(4)</sup> described the

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(1) Works IV, p. 176

(2) Ibid., p. 177

(3) It appears that deacons for a time sat with the ministrie. In fact, the 1561 and 1562 editions of the Liturgy specifically include deacons in the ministrie. This practice was not acceptable to later presbyterians and was ruled out by the Second Book of Discipline (BUK II, p. 501); however, deacons, in fact, did continue in some instances to attend session meetings up to, and after, the Westminster assembly.

(4) Works, IV, pp. 174, 176

minister as one who must not be "founde culpable of any...fautes," and who was to "distribute faithfully the Word of God, and minister the sacrament sincerely." The first two marks were his chief concern; yet in discipline his counsel was to be received, and "...if so be the Congregation, upon juste cawse, agreeth to excommunicate, then it belongeth to the minister, according to their general determination, to pronounce the sentence..." (1)

The officer for whom discipline was the particular and primary concern was the senior or elder.

The elders must be men of good lyfe and godly conversation, withoute blame and all suspition; carefull for the flocke, wise, above all thynges, fearing God. Whose office standeth in gouverning with the rest of the ministers, in consulting, admonishing, correction, and ordering all thynges appertayning to the state of the congregation. And they differ from the ministers, in that they preach not the Worde, nor minister the Sacramentes. In assembling the people, nether they withoute the ministeres, nor the ministers withoute them, may attempt any thing... (2)

Here we note that the elder's office was limited to the third mark, yet his duties were scarcely confined to the limited definition of that mark as given above. His responsibilities were not just admonition and correction, but embraced the "ordering (of) all thynges appertayning to the state of the congregation." Through this extended definition of the broad duties of the officers of discipline, a wider meaning for the word itself would appear somewhat inevitable.

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(1) Works, IV, p. 175

(2) Ibid., p. 176

To execute their work of discipline, the ministers and elders held a "Weekly assemblie."

...it is ordeyned that everie Thursdays the ministers and elders, in their assemblie or Consistorie, diligentlie examine all such fautes and suspicions as may be espied, not onlie amongst others, but cheiflie amongst theymselves... (1)

This, then, was discipline as Scotland first saw it--a simple, scriptural procedure outlined for congregational practice. The particular officers of discipline were the elders and ministers; their concern was for the general oversight of the church as well as with the correction of faults. The authority in discipline rested with the whole congregation. The "policy," or general structure and government of the church, was not clearly distinguished from discipline. Such a distinction was needed to keep discipline from absorbing too much.

This will suffice to show the ecclesiastical context of discipline. What was its civil context in the Liturgy?

The answer is found in the Confession of Faith and in the same paragraph in which ecclesiastical discipline is set forth as the third mark of the church.

And besides this Ecclesiastical censure, I acknowledge to belonge to this church a politicall magistrate, who ministereth to every man justice, defending the good and punishinge the evill: to whom we must rendre honor and obedience in all thinges, which are not contrarie to the Word of God... the defence of Christes Church apperteyneth to the Christian magistrates, against all idolaters and heretikes, etc. (2)

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(1) Works, IV, p. 177

(2) Ibid., p. 173



The two jurisdictions, although distinguished, were co-ordinated and complementary. The magistrate was "in the church;" his ministry of justice was in conjunction with the church and in its support. We must admit that it would have been perfectly logical for a monarch or local magistrate, studying the Liturgy, to follow what would later be termed an Erastian concept of church and state. It would have been equally natural for a kirk session, with this as the primary text on the relationship of the magistrate to discipline, to blend the two jurisdictions without a moment's hesitation, which, in fact, they did. This was a practical necessity in 1560 because the reformers could not hope to introduce a new theory of discipline, new officers, and new policy unless magistrates of high and low degree were sympathetic. Certainly the Liturgy invited magistrates to as large and responsible a share in ecclesiastical discipline as they were willing to assume. Theoretically there was nothing to fear if magistrates were "Godly," "in the church," and themselves under the discipline of the church.

Discipline, then, as outlined in the Liturgy was meant not only for a voluntary congregation of "gathered" protestants, but was intended for the entire community. Definitions and distinctions have not been clarified, and we cannot be sure exactly how much of the structure of the church is really included in the term "discipline;" but two facts have become crystal clear: (1) whether limited or broad, discipline was elevated to a place of first importance among the necessary marks of the true church; and (2) it was to be practised by the entire community wherever and whenever discipline could be established.

## v Discipline in the Book of Discipline

Having noted the ambiguous use of the word "discipline" in the document which outlined the pattern for reforming the Scottish nation, we must now look more closely at the substance of discipline in the First Book of Discipline. Does this volume aid us to a clearer definition of the term, and to a fuller understanding of the theory of discipline?

The limited scheme of discipline as ecclesiastical censures appeared as head number seven in the national document. In fact, the place of ecclesiastical discipline in the Book of Discipline (and in its companion volume, the Scots Confession) was almost identical to its place in the Liturgy. Discipline still was the third mark of the church in spite of the Institutes of 1559. The simple substantives designating the three marks in the Liturgy were, in the Book of Discipline, joined by verbs which breathed the determination of the new church to establish herself: (1) "the trew preaching of the word of God; (2) the rycht administratioun of the sacramentis of Christ Jesus...; (and 3) Ecclesiasticall Discipline uprychtlie ministred as Godis Word prescribed, whairby vice is repressed, and vertew nurished."<sup>(1)</sup>

In introducing the Book of Discipline it was intimated that the most accurate early description of the volume was the book of "polecie and disciplyn." As we explore the document we find the first attempt to define the important term "policy."

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(1) Works II, p. 110

Polecie we call ane exercise of the Churche in such thingis as may bring the rude and ignorant to knowledge, or ellis inflambe the learned to greater fervencie, or to reteane the Churche in gude ordour. (1)

Two categories of policy were differentiated: (1) exercises utterly necessary throughout the nation (i.e., the preaching of the Word and sacramental services, prayer, catechism, and the correcting and punishing of offences); and (2) exercises desirable but locally determined (psalm singing, daily services and other public ecclesiastical gatherings).

Policy was so necessary that the reformers believed "without the same thair is no face of ane visible kirk." (2) There was, however, this important warning:

Not that we think that ane policie, and ane ordour in ceremonies can be appointed for all aigis, tymes, and plaicis; for as ceremonies (sick as men hes devised) are but temporall, so may and aucht they to be changed, when they rather foster superstitioun, then that they edifie the Kirk using the same. (3)

Policy was "ane exercise of the Churche." It was much more than the modern term "polity" implies--more than a system of government. It was the total structure of the church by which the three marks were bodied forth into the church and society. Policy, as the Book of Discipline demonstrated, was concerned with the total program of the church (worship,

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(1) Works, II, p. 184

(2) Ibid., p. 238

(3) Ibid., p. 113



sacraments, catechism, education, social welfare, family religion, censures, etc., as well as with matters of government and jurisdiction). "Policy" was really the "Forma ac Ratio" (to use the title of another contemporary reformation order)<sup>(1)</sup> or the forms and methods by which the church exercised her God-given tasks. In the minds of the early Scottish reformers these forms were never intended to be considered as sacred or fixed.

With the framework of the three marks in mind, and now the definition of "policy" as the exercise of the marks, the outline of the Book of Discipline becomes plain and is not at all "disorderly in form" (as John T. McNeill and others have assumed).<sup>(2)</sup> The Book of Discipline can be arranged easily and naturally in the following outline:

## I. THE MARKS OF THE CHURCH

### A. Doctrine (Head I)

### B. Sacraments (Head II)

#### 1. The abolition of abuse--Idolatry (Head III)

#### 2. The proper ministry of the first two marks.

##### a. Ministers and their lawful calling (Head IV)

##### b. Requisites for the ministry

##### c. Admission of ministers

##### d. Readers

##### e. Provision for the ministry (Head V)

##### f. Supervision of the ministry

##### g. 1. The superintendent

##### 2. The dioceses of the superintendent

##### 3. Election of superintendents

(1) *Infra.*, p. 69

(2) The History and Character of Calvinism, p. 299

- g. Education (primarily for the ministry and to secure the leadership and purity of the church)
  - 1. The necessity for schools
  - 2. The parish school
  - 3. The grammar school
  - 4. The university
  - 5. Stipends and expenses
  - 6. University government
- h. Social responsibility (Head VI)
  - (The deacon, included in the "ministrie," was the special officer charged with "the releaf of the poore")

#### C. Ecclesiastical Discipline (Head VII)

- 1. Private discipline
- 2. Public discipline
- 3. Persons subject to discipline
- 4. The proper ministry of discipline--the office of elder (Head VIII)

### II. THE POLICY OF THE CHURCH (Head IX)

That this outline of the material based upon the three marks and policy was the clear intent of the authors is confirmed by their statement in the introduction of the Book of Discipline. They described the nature and purpose of the book as follows: "these Headis subsequent (are) for common ordour and uniformitie to be observed in this Realme, concerning Doctryne, Administration of Sacramentis, Ecclesiastical Discipline, and Policye of the Kirk." (1)

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(1) Works II, p. 184. The editors of the 1586 (Vautrauller) and the 1621 (Calderwood) editions either failed to note this plan and outline, or else deliberately ignored the authors' scheme in the interest of giving a fuller index of the material included. Thus "Election of Ministers, Provision for their sustentation" were inserted following "The Administration of the Sacraments."

So far as the content of ecclesiastical discipline defined as censures was concerned, there were very few changes in the Book of Discipline from Liturgy. This we would expect since the two documents were intended to be complementary. The Book of Discipline recognized and appealed to the Liturgy in several matters. However, the Book of Discipline did concentrate more on the procedure in excommunication: three-fourths of the seventh head was devoted to "the ordour we think expedient to be observit before and efter excommunication."<sup>(1)</sup> There was a new harshness which we did not feel about the Liturgy. Perhaps this was inevitable when a congregational scheme was being projected into a national system to be used with persons many of whom would not be sympathetic. Or perhaps by 1560 the Scottish reformers were already failing their ideal by allowing discipline to be more punitive than remedial.

Though the essence of ecclesiastical discipline was about the same in the two volumes, policy was greatly extended and expanded in the Book of Discipline. New agents and agencies for the exercise of discipline appeared. The key office in the diocesan arrangement (and probably in the intended but undefined national scheme) was the office of superintendent:

...we have thocht it a thing most expedient for this tyme,  
that frome the whole nombre of godlie and learned (men),  
now presentlie in this Realme, be selected twelf or ten,

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(1) Works, II, p. 228



(for in sa many Provincis have we divideit the hoill), to whom charge and commandiment shalbe gevin to plant and erect churches, to set ordour and appoint ministeris (as the formar Ordour prescribeth... (1)

The office of the superintendent will receive detailed study later. (2)

Suffice it to say here that the office has been belittled by presbyterians and misunderstood by episcopalians.

There were also new agencies by which discipline was to be exercised. The familiar "Thursday Meeting" was assumed throughout the book, and now to these basic congregational assemblies, new assemblies were added.

Head Number Nine outlined an assembly for the exercise of "Preaching and Interpreting off Scripturis." (3) This meeting was to be held once a week "in everie Toune, whaire Schollis and repair of learned Men are." (4) All ministers within a radius of six miles were required to attend. (5) While primarily for the edification of ministers, this exercise was also open to the elders. (6) Discipline (though originally of secondary importance in this "exercise") was yet a significant emphasis because it was directed toward keeping the ministry in their office and functioning in an exemplary fashion in both doctrine and manners.

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(1) Works, II, p. 202

(2) Infra., pp. 117 et seq., and 225 et seq.

(3) Works, II, p. 242

(4) Ibid.

(5) Ibid., p. 244

(6) Ibid., p. 245

No man (minister) may be permitted to live as best pleaseth within the Church of God; but everie man must be constrained, by fraternall admonitioun and correctioun, to bestow his labouris, when of the Church they are required, to the edificatioun of otheris. (1)

Two other assemblies, more specifically related to discipline, were set forth. These centered about the key figure of the superintendent who was himself under their discipline. The first assembly was composed of the superintendent and "the ministrie" of his "cheaf Toun." The second assembly was made up of the superintendent meeting with the "ministrie" of his entire province.<sup>(2)</sup> A third possible assembly--a national body--was only hinted at but never elucidated in the Book of Discipline. We cannot be sure just what form "the whole counsall of the Church"<sup>(3)</sup> would take, and for a very good reason. In 1560 the Scottish reformers themselves were not at all sure.

The civil context of discipline was the same as that of the Liturgy. A close relationship with the civil magistrates was needed and desired. Statements made by the framers of the Book of Discipline illustrate something of the fear and tension which existed in their minds as they handed over the new ecclesiastical scheme to the none too sympathetic protestant lords of a nation ruled by an absent Catholic queen. There was strong

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(1) Works II, p. 245

(2) Ibid., p. 207

(3) Ibid., p. 208

suggestion that, if necessary, protestant "lesser" magistrates might openly oppose an uncooperative and "ungodly" prince or princess. The book called attention to the fact that there were many magistrates in addition to the king or queen who were "lieutenant(s) of God;"<sup>(1)</sup> "Emperouris in thair empyris... kings in thair realms, Dukes and Princes in thair dominions, or...otheris magistratis in free cities..."<sup>(2)</sup>

The actual historical situation was very unfavorable for reformed discipline in Scotland in 1560. The relation of discipline to the magistrate--and especially to the chief magistrate--was something which neither the Confession of Faith nor the Book of Discipline could easily establish. Here lay a problem with which the early Scottish reformers and their presbyterian descendants would cope for centuries.

We have now surveyed discipline in the Book of Discipline and have noted how the basic theory of the congregationally centered Liturgy was projected on a national scale. We have observed that this book of "policy and discipline" became known simply as "the Book of Discipline," with an eliding of policy into discipline. What has not been established is whether or not this was accidental or intentional. Was this broadening of discipline to include policy the result of the zeal of the reformers? Or was it the unconscious result of their preoccupation with matters of form and government? Or was there precedent for this broader usage in the wider reformation

(1) Works, II, p. 118

(2) Ibid.



movement in Europe and England? The answers to these questions must await further exploration of the powerful factors which determined, produced, and controlled Scottish discipline.

Suffice it to say, as we conclude this introductory presentation of the documents by which protestant discipline was introduced to Scotland, that the reformers were working with not one, but two theories of discipline.

Theory one was discipline as a means of ecclesiastical censure. At its best it was theologically oriented and had as its goal genuine Christian discipleship and a well-ordered church.

Theory two was discipline as "discipline plus policy." The thrust here was far broader and more positive than theory one. This was no mere correction of faults, but rather the total structure of the worshiping church by which Christ, the word, and the sacraments might be bodied into the life of the nation.

If, in 1560, Knox had been pushed to define what he really meant by discipline, I believe he would have admitted that he meant both theories one and two, and that both were absolutely necessary for the effective establishment of the reformed church in Scotland.

PART TWO

DETERMINING AND CONTROLLING FACTORS

in

SCOTTISH DISCIPLINE

### Chapter III

#### THE PROTESTANT REFORMATION AND SCOTTISH DISCIPLINE

Two powerful, creative forces in sixteenth century Scottish life stand out as of paramount importance in determining and controlling Scottish discipline. We have become aware of these forces from the brief survey of the documents: (1) the protestant reformation, and (2) the Scottish magistrates. The primary factor in shaping discipline before 1560 was the pressure (within and without Scotland) of the reformation; after 1560 the chief determining factor was the relationship of the new church to magistrates both local and national.

In this chapter we will browse through the history of the period preceding the establishment of the reformed church in Scotland. We must account for some of the questions raised by the documents, and get behind the documents to see the channels by which discipline came to the northern kingdom. Discipline was not just a foreign product imported by over-zealous reformers. It could not have found a foothold in 1560 had there not been years of native preparation and public opinion in certain areas ready to receive it. Let us, then, ask significant questions of the available historical records. How important was discipline in the total reformation movement and in the reforming nations surrounding Scotland? Was discipline clearly defined outside Scotland? Was there general agreement among leading theologians? In what ways did discipline find entrance into Scotland?



In order to explore this reformation context, let us divide the history of the Scottish reformation into three periods: (1) the period of the introduction of reformed doctrine (1525-1547); (2) the period of institution or "The Trew Kirk" (1547-1557); and (3) the period of national establishment or "The Face of a Kirk" (1557-1592). Periods one and two will be studied in this chapter with primary emphasis upon the influence of the total protestant reformation upon Scottish discipline.

#### i The Period of the Introduction of Reformed Doctrine (1525-1547)

The period of the introduction of reformed doctrine is that period when the reformation in Scotland had little, if any, structure and existed only in more or less underground congregational fellowships concerned primarily with matters of Biblical doctrine. It is difficult for us in the twentieth century, after more than two centuries of reason and rationalism, to recapture the sense of reverence, awe and power which surrounded the newly-recovered Oracles of God in the sixteenth century. This spirit found early expression in the prologue to the "Scott's Bible" by Murdoch Nesbit:

For the evangelion is a Greke word, and is asmekill to say in Inglis as a gude message, gude newis, gude mercy, tithings, or sic a confortabill word as makis a man to syng, to be glaid, and his hart to leape for joy. (1)

The struggle of this evangel to incarnate itself in doctrinal forms and in a Christ-centered structure is the heart of the history of the transformation of the Church of Scotland in the sixteenth century.

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(1) T. G. Law, The New Testament in Scotts, S.T.S. 1910, p. 2.

Lollardy (semi-secret evangelical sects) had been an irritation to the old order since early in the fifteenth century. But the Lollards were no serious threat until the end of the first quarter of the sixteenth century when they blended into the greater movement of Luther. They contribute little of positive value to an understanding of protestant discipline.

Lutheranism seems to have had an almost immediate reception in Scotland due to the power of the printed tract, sea trade, and the preaching and martyrdom of the young Scots nobleman, Patrick Hamilton. By July 1525 Lutheran tracts were common enough to bring an act of parliament against "any persons, strangers, that happen to arrive with the ships within any part of this realm" bringing "any books or works of Luther or his disciples."<sup>(1)</sup> The years 1510 to 1528 saw an enormous publication in German of tracts, scriptures, the Lord's Prayer, the Decalogue, and Luther's Catechism.<sup>(2)</sup> The Augsburg Confession of 1530 demonstrated that, though Luther's magnificent concerns were matters primarily of doctrine and the sacraments, the whole structure and practice of the old church were brought into focus and were opened to his serious criticism. Recent Luther study (notably that of Gordon Rupp) has revealed a great concern (greater than has usually been supposed) on the part of Luther with matters relating to structure and discipline.

In 1539 and 1540 Luther included "The Keys of

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(1) Lorimer, The Scottish Reformation, p. 2.

(2) Curtis, History of Creeds and Confessions, p. 140.

Christian discipline and forgiveness" as among the outward marks or signs of the true church.<sup>(1)</sup> Thus, though the early period was a time in which there was little, if any, structure to the evangelical fellowships which dotted Scotland, we have opened up the strong possibility that structure and discipline were matters of immense concern in Scotland (as elsewhere) during this period. The preaching of John Knox in St. Andrews in 1547, before he had been abroad, showed this concern. "We must defyne the Church, by the rycht notis gevin to us in Goddis Scriptures of the Trew Church."<sup>(2)</sup>

What were some of the early contacts of Scotland with reformed discipline?

(1) The preaching of Patrick Hamilton. Hamilton, a choice Scots nobleman, and convinced protestant, was martyred in 1528 by the catholic forces centered in St. Andrews. Young Hamilton is usually assumed (through reference to his major work, Patrick's Places) to have been judged as a Lutheran whose differences with the old church clustered about the reformation doctrine of justification by faith. However, we have just noted that Luther's views did not exclude considerations of structure and discipline. Furthermore it was not alone with Luther and Melancthon that Hamilton associated when he left his native Scotland in 1527 to study abroad. He spent time as well with Francis Lambert of Marburg.<sup>(3)</sup>

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(1) Rupp, The Righteousness of God, p. 322; cf. Josef Lortz, Die Reformation in Deutschland, (Verlag Herder Freiburg, 1948) Vol. II, pp. 17 et seq. E.g., "Er (Luther) erkannte immer eindringlicher, dass der Christ und noch mehr die ganze Gemeinde in Zucht gehalten werden müssten." (p. 23)

(2) Works, I, p. 188

(3) Ibid., p. 15



Knox's later historical interest in this association may be more than biographical when we realize that Lambert was the framer of the Reformatio Ecclesiarum Hassiae of 1526.<sup>(1)</sup> In this document we see reflected not so much the ideas of Luther but rather those of another greatly overlooked and underestimated figure of the reformation, Martin Bucer of Strasburg. Lambert had been called to Marburg from Strasburg where he had associated with the reformers Bucer and Capito in the reformation of that city--a city which remained for several decades the chief center of discipline.<sup>(2)</sup>

Lambert's Hessian church structure was one of the early and basic reformed orders. Its revolutionary ideas relating to discipline included the following: *De Confessione*, *De Conventibus Hædomardariis*, *De Excommunicatione*, and *De Absolutione Resipiscentium*.<sup>(3)</sup> Though these elements were not gathered under the general head "Disciplina" or "Disciplina ecclesiastica," yet the weekly assembly of the church was intended for this purpose. Patrick Hamilton could hardly have missed acquiring a thorough knowledge of the new reformed discipline.

Are there any indications that he introduced discipline to Scotland?

Knox evidently thought not, believing that Hamilton was martyred

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(1) Richter, Die Evangelischen Kirchenordnungen, pp. 56 et seq.

(2) Hastings Eells, Martin Bucer, p. 35.

(3) Richter, op. cit., pp. 59, 61, 63, 64

for preaching against "Pilgrimage, Purgatorye, Prayer to Sanctes, and for the Dead and such trifilles."<sup>(1)</sup> But other historians (claiming access to St. Andrews records) did not agree. Both Calderwood and Archbishop Spottiswoods in their histories gave expanded lists of the charges brought against Hamilton which included "...the pope hath no power to loose and bind...every priest hath the power the pope hath...the pope's lawes be of no strength...that it is a devilish doctrine to injoyne...penance for sinne...auricular confession is not necessarie."<sup>(2)</sup> While these put forward little of a positive nature, they could hardly be termed trifles from the Catholic point of view, and imply that Hamilton was conscious of a completely revised church structure and method of dealing with sin. Professor Lorimer and Calderwood would solve this riddle by suggesting that there may have been two trials. After the first, Hamilton may have confined his teaching "more than he had done before to those doctrinal articles which were of most importance."<sup>(3)</sup> According to this reasoning there were some things Hamilton believed to be "undoubtedly true," while the rest (including discipline?) were "disputable points"<sup>(4)</sup> and might have been dropped under the pressures upon him in 1528. I believe it probable that the seeds of discipline were sown by Hamilton almost as soon as they had matured in the minds of the early continental reformers with whom he had associated.

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(1) Works, Vol. I, p. 16

(2) Ibid.

(3) Lorimer, op. cit., pp. 234-5

(4) History, Vol. I, p. 75

(2) The Wedderburns of Dundee (James, Robert and John). These evangelistic laymen had not only a personal knowledge of continental affairs, but may have studied in French and German universities. They returned to Scotland to give their country its most constructive popular religious literature during the period of the evangel.<sup>(1)</sup> The Gude and Godlie Ballatis may have been among the "werkis in our awin tounge" to which Knox made reference and assigned to the year 1543.<sup>(2)</sup> There was very little direct reference to discipline in the ballads.<sup>(3)</sup> But the great positive contribution of the Ballatis was the recovery for Scotland of the "Doctrine of the Keys." The concept of "power" in the church and its ministry (which underlies effective discipline) had been condemned by the anti-ecclesiastic Lollards who taught that "Christ gave power to Petir onlie, and not to his successouris, to bynd and louse within the kyrk."<sup>(4)</sup> The "office of the Keys" was directly taught by the Ballatis as a power "grantit to the trew preicheouris of Godis word."<sup>(5)</sup> This popular literature may have filtered through to all levels of Scottish society to a greater degree than more formal and ecclesiastical documents or even preaching could have done.

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(1) As contrasted with the purely critical and destructive literature of Sir David Lindsay and George Buchanan. Mitchell, Ballatis, p. xiv.

(2) Works, Vol. I, p. 101. Professor Mitchell assigns the earliest publication to the years 1542-1546. Op. cit., p. xiv.

(3) In the translation of the second Psalm we find:

"Heirfoir kingis and rewlaris now bewar  
Advert till Goddis word and discipline...

Ressaif thairfoir his sweet correctioun." Ibid., p. 87

This use of the term discipline appears to be unique, and since Prof. Mitchell has used the 1567 edition of the "Ballatis" it is quite possible that the term entered later than 1546.

(4) Works, I, p. 8 et. seq.

(5) Mitchell, op. cit., p. 7



(3) Sir John Borthwick. Borthwick was one who narrowly escaped martyrdom in 1540.<sup>(1)</sup> Among the charges levelled against him was that of reading "heretical books...and some treatises written by Melancthon, Oecolampadius and Erasmus..." We mention this primarily because it demonstrates another possible early contact by which the ferment of discipline in Scotland may have been encouraged. Oecolampadius (as we will note again) was one of the earliest initiators of protestant discipline. His preaching and teaching preceded even that of the Strasburg reformers Bucer, Capito and Lambert.<sup>(2)</sup>

(4) The teaching of George Wishart. Professor Mitchell has claimed that Wishart actually "formed Kirks or congregations at least in Montrose and Dundee" in which "some forms of discipline began to be put into practice."<sup>(3)</sup> Although this seems improbable (and Miss Janet MacGregor has summoned the evidence against this claim),<sup>(4)</sup> yet George Wishart was undoubtedly one of the most powerful sources of knowledge regarding reformed structure and discipline to appear in Scotland during the period of the evangel. It is important to recall that Wishart was the instrument for the conversion of Knox and probably the single source most important in creating Knox's vision of what the church of Scotland could and should become. Knox remembered (and probably

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(1) Works, Vol. I, p. 60.

(2) *Infra.*, p. 64, J. T. McNeill, *op. cit.*, p. 80.

(3) Scottish Presbyterian Polity, p. 138.

(4) Ibid.

embellished) a prophecy given by Wishart:

This realme shalbe illuminated with the light of Christ's evangell, as clearlie as ever was realme sence the dayis of the Apostles. The house of God shalbe buikied in it. Yea, it shall not lack...the verray cope stone. Meaning (added Knox) that it shuld anes be brought to the full perfeioun.<sup>(1)</sup>

In view of Knox's later definitions of the terms "cope stone" and "perfection" there can be little doubt that the chief Scottish reformer became completely converted to both protestant faith and reformed discipline by Wishart.<sup>(2)</sup>

Wishart certainly had ample contact with reformed discipline. He had travelled in Switzerland in 1540<sup>(3)</sup> after which time he translated into English the Basil Confession (First Helvetic), a document framed largely by Henry Bullinger, Zwingli's successor in Zurich. Among those who subscribed this confession were other representatives of the Swiss cities, and Bucer and Capito of Strasburg to whose peace-making genius the Basil conference of 1536 has been traced.<sup>(4)</sup>

(1) Works, Vol. I, p. 133; Rowe, Historie, p. 11.

(2) An entry in the Diary of James Melville (p. 72) reviews the line of reformation "greats" from Wishart through Andrew Melville and focuses interest upon the "ceapstean" of discipline. "I marked the wonderfull guidnes and providence of God towards his Kirk in this realme, wha, at first efter the blud of these martyrs, Mr. George Wischart, and Walter Miln, steired up Mr. Knox to effectuate the wark of Reformation; and taking him to his rest, send hame Mr. Andro Melville for continuance of zeall and sincerity, with exquisit literature and knowlage, and for putting on of the ceapstean of the trew and right discipline and policie."

(3) Lorimer, op. cit., P. 97.

(4) Curtis, op. cit., p. 203.

Wherever this translation was read in Scotland, discipline would have been thought through and discussed because the heads entitled The Dutie of Ministers or Officers and the Power of the Church included the following:

The chefe and pryncypall offyce of this ministracion is to preache repentaunce and remission of synne...; to praye...; to give diligence wholly to holy stodyes and to the Worde of God; and to resyst and pursue the deuyll alway with the Word of God, as with the sword of the Spirite, and that with a deadly hatered, and by all meanes to chasten him awaye; to defende the holy citizens of Christe. And by all meanes compell and reprove the fautie and vicious; and to exclude from the churche them that stereth to farre, and that by a godly consente and agrement of them whiche are chosen of the ministers and magistrates for correcyon, or to ponysh them by any other waye convenient and profytable meanes, so long untill they come to ammendment, and so be safe... (1)

The Power of the Church rested on "the Power of the Keys" invested in a duly elected ministry. However, the effective power in discipline (in characteristic Zwinglian fashion) was committed largely to "magistrates or Gouvernours" who were "to defende the trewe worshipinge of God from all blasfemy, and to procure trewe religion...in whiche part a trewe and syncere preaching of the worde of God remayneth with a ryghte and diligent institution of the discipline of citizens, and of scooles; just correccion, and nurture, with liberalitie towarde the mynysters of the churche, with a sollicitat and thoughtfull charge of the poore, to the whiche ende all the rychesse of the churche is referred." (2)

Here Knox (and others) found the tool to be used in bringing the "Trew Kirk" to her full reformed "perfection."

(5) Henry Balnaves of Halhill was an active reformed lawyer with direct knowledge of the reformation in Germany. During the period of the Evangel in Scotland Balnaves studied in Cologne. The reorganization of the church

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(1) Wodrow Miscellany, Vol. I, p. 7, et seq.

(2) Ibid., pp. 17-18



in Cologne, begun in 1542, was personally directed by Martin Bucer, and was a reformation attempted on a diocesan scale. <sup>(1)</sup> Balnaves was evangelical in doctrine, but remained conservative in matters of order. In his 1548 treatise on "Justification by Faith" Balnaves recommended a policy of patient endurance for protestants and implied reform within, rather than beyond, the existing old order. <sup>(2)</sup> It is interesting to note that Knox took this work, re-edited it and superimposed his own revolutionary theories concerning the true and false (or malignant) churches. <sup>(3)</sup> Balnaves may not have been an active disciple of new, reformed discipline, but he must have added ably to the discussions of the subject in the castle of St. Andrews in 1547.

To summarize the period of the Evangel (1525-1547), we may say that, though it was a period largely of doctrinal ferment when protestants were grouped in isolated fellowships, yet it was also a period when reformation ideas of structure and discipline had many possible avenues for entering the nation. These ideas included revised and simplified ministerial offices, participation of the laity in ecclesiastical offices, close cooperation between the church and civil authority, and a recovery of the belief that authority in the church rested in the doctrine of the keys.

Furthermore, these revolutionary teachings had found a champion who saw them as the answer to Scotland's need for order. Knox reported

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(1) Lorimer, Patrick Hamilton, p. 200; Eells, op. cit., p. 323 et seq.

(2) Works, Vol. III, pp. 458-9

(3) Ibid., p. 458 and p. 17

that in 1547 he had intended to "have left Scotland to have visited the schooles of Germany."<sup>(1)</sup> In view of the evidence above, we need not assume that Knox at this time was merely a satisfied evangelical Lutheran interested only in doctrine and the sacraments. In 1547 where could Knox have learned more about discipline than in Hesse, Strasburg or Cologne? Later, according to Archbishop Spottiswoode, Knox framed the first Book of Discipline "partly in imitation of the Reformed churches of Germany, partly of that which he had seen in Geneva."<sup>(2)</sup> The work in Germany, inspired principally by Calvin's teacher, Martin Bucer, preceded Geneva. Knox did not visit Germany at this time but during the next ten years he continued to learn about the discipline which had its origin in German-Swiss tradition, and he transmitted this knowledge with zeal and vehemence. By 1547 Knox and the nation had begun their preparation to receive the "cope stone."

## ii The Period of Institution (1547-1557)

The period of the institution of the "Trew Kirk" in Scotland was initiated by the preaching of Knox in St. Andrews in 1547. This ten-year period (1547-1557) coincided with the rapid evolution of reformed discipline in Germany, Switzerland, England and France. Scotland merely took her place in this great movement toward discipline.

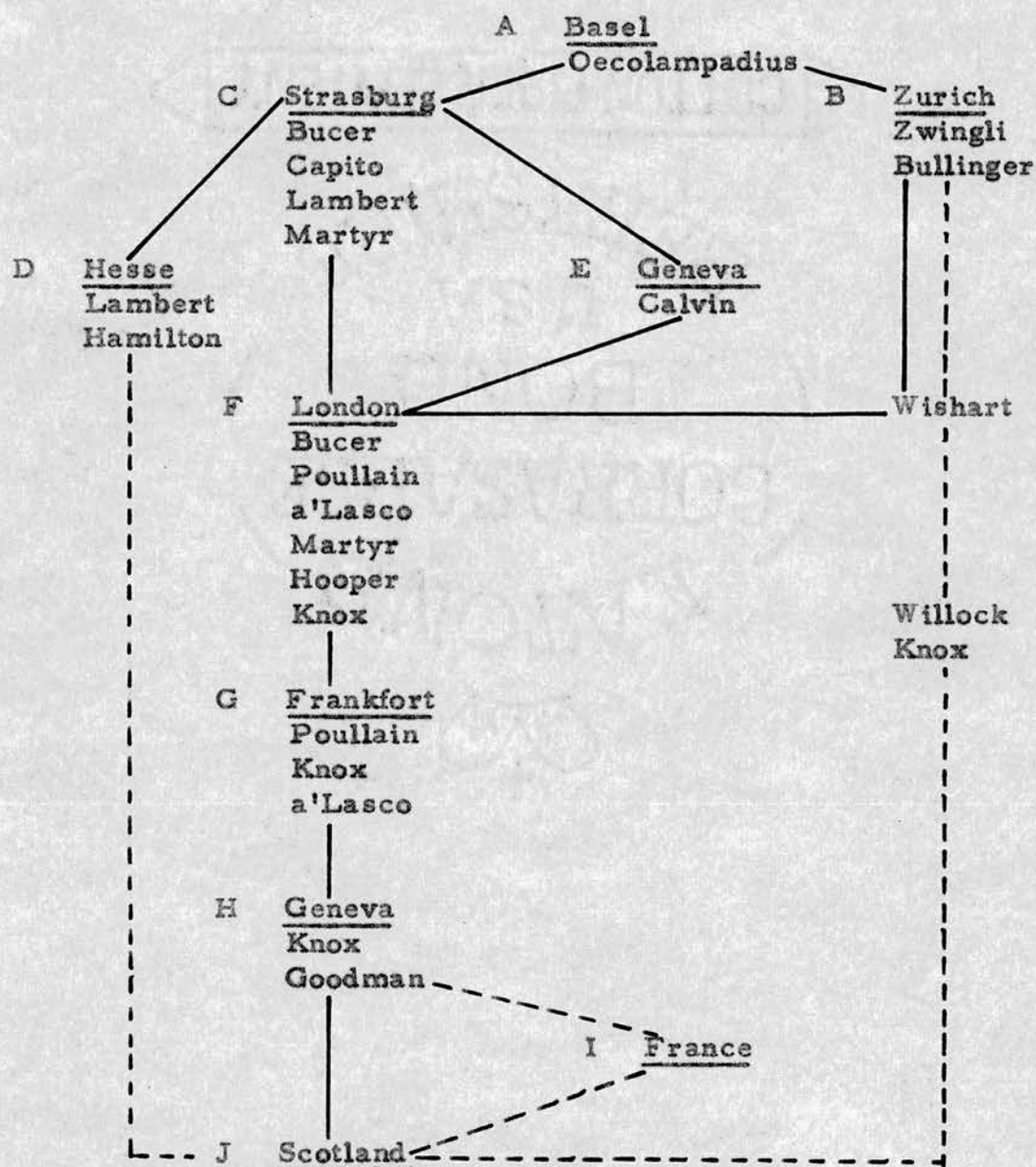
The diagram and analysis which follow claim to be only a skeleton outline of the channels of the growth and flow of discipline which had a fairly direct influence upon Scottish theory and practice. Since the diagram begins with 1518, references in the preceding section can now be fitted into the over-all genealogy of discipline in the protestant reformation.

(1) Works, Vol. I, p. 185

(2) History, Vol. I, p. 371; Works II, p. 181; contra Clark, op. cit., p. 59

The Development of Reformed Discipline

(in relation to Scotland)





A Three first generation reformers appear to have initiated protestant discipline: Oecolampadius of Basel, Zwingli of Zurich, and Martin Bucer of Strasburg. J. T. McNeil has traced the original concern to Oecolampadius when, in 1518 as a penitentiary priest in Basel, "he had felt keenly the need for a discipline that would include excommunication and public penance."<sup>(1)</sup> Two important characteristics of his theory (which he was unable to put into full practice in Basel) were: autonomy of the church in matters of discipline,<sup>(2)</sup> and effective lay participation.<sup>(3)</sup> These characteristics were particularly important where the civil magistrates in a given area were unsympathetic toward full support of discipline.

B The Zwinglian view of discipline differed slightly from that of Oecolampadius.

While equally intolerant of vice and heresy, and recognizing the place of lay participation in the censure of both clergy and people, (Zwingli) refused to follow Oecolampadius in a distinction between church and state, or to admit any differences in the objectives of their respective censures.<sup>(4)</sup>

Zwingli implemented his theory of discipline at the first synod of Zurich (1528). After his death his work was championed by his loyal disciple, Henry Bullinger. The direct connection with Scotland through George Wishart and the first Helvetic Confession (largely Bullinger's work) has been noted, and later reference to Scottish-Zurich connections will be made.

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(1) McNeil, op. cit., p. 80

(2) Because the church and state were not necessarily identical, and the censures of the church were primarily remedial while those of the state were punitive.

(3) Ibid., p. 80

(4) Ibid., p. 83

C The work of Martin Bucer, in theory as well as in the practice and spread of discipline has not been given sufficient attention. As early as 1524 Bucer wrote, "Where there is no discipline and excommunication there is no Christian community."<sup>(1)</sup> This was the year in which the Strasburg preachers, Bucer, Lambert and Capito, achieved the ascendancy in the reformation of that city.<sup>(2)</sup> By 1526 the scope of discipline was broadened to include a comprehensive revision of preaching, worship, censures, education, ecclesiastical property and care of the poor.<sup>(3)</sup> The enthusiasm of the reformers was both checked and encouraged by sympathetic magistrates. We have noted that Francis Lambert left Strasburg in 1526 to chart the reformations of Marburg and Hesse (which Bucer himself personally continued in 1538).<sup>(4)</sup> Bucer conceived the reformation of Germany as national in scope and as touching every aspect of social and religious life. Therefore, cooperating with Oecolampadius, Bucer assisted in the reformation of several German cities. His passion for discipline and unity (in the local church and among churches) grew as the internal threats of the Anabaptists and the libertine sects were added to the growing external pressures of papists. It should also be mentioned that Bucer's Strasburg work included the larger activity of organizing the Strasburg Synod to which he imparted a concern for discipline, visitation and codification.<sup>(5)</sup>

The reformer himself held the title "superintendent" of the parishes of Strasburg

(1) McNeil, op. cit., pp. 80, 81

(2) Eells, op. cit., pp. 37, 38

(3) Ibid., pp. 37, 38 et seq.

(4) Ibid., p. 240

(5) In 1534, Bucer's reorganization of the local administration of discipline at Strasburg included the establishment of a "kirken konvent" every other Thursday, consisting of pastor, his helpers and three parish wardens.

and its territories. In 1538 (the very year that John Calvin, the young exile from Geneva, began a three-year residence in Strasburg) Bucer wrote Von der Waren Seelsorge uund dem rechten Hirtendienste (which "aimed at a well-organized church and strict disciplinary system."<sup>(1)</sup> The scope of Bucer's concern in matters of discipline parallels very closely that of the first Book of Discipline.

D The work of Francis Lambert at Marburg, and the disciplinary ordinances in the Hessian polity of 1526 have been noted above.

E John Calvin did not enjoy the happy relationship with the magistrates of Geneva which Bucer had enjoyed in Strasburg. In January 1537 the young reformer introduced "la correction et discipline d'excommunication" to the Council of Geneva.<sup>(2)</sup> The primary purpose voiced by Calvin for demanding legally established disciplinary ordinances was the same great purpose which justified discipline for Luther: to provide a pure sacramental fellowship in the church.<sup>(3)</sup> This motive gains force when we realize that Calvin wished (and expressed a desire for) a weekly observance of the Lord's Supper.<sup>(4)</sup> Because Calvin refused communion to those he considered unworthy, he (with the other ministers) was expelled in 1538. In Strasburg he continued to study and experiment with discipline. Though Calvin felt the sting of Bucer's criticism of "too much severity,"<sup>(5)</sup> he was very pleased as he watched Bucer and Capito "hasten forward the setting up of our discipline."<sup>(6)</sup> During his

(1) Eells, op. cit., p. 156

(2) Corpus Reformatorum, Vol. X, pp. 6, 9

(3) Ibid., p. 6

(4) Ibid., p. 7

(5) Bonnet, Letters of John Calvin, Vol. I, p. 67

(6) Ibid., p. 68



three-year stay in Strasburg Calvin was not only a teacher in the university, but was the pastor of a congregation of French refugees. He was given complete freedom to work out the structure of worship and discipline for this church.

Calvin must have been greatly influenced and stimulated by Bucer. In July of 1541 Bucer and Calvin attended a diet at Regensburg which was a last attempt to reach agreement with the church of Rome. When this failed, Bucer began to teach that not only must the Gospel be preached and the sacraments correctly administered, but the church and state ought to be carefully distinguished and "church discipline thoroughly regulated."<sup>(1)</sup> In the autumn of 1541 Calvin was back in Geneva where he began again the struggle toward the establishment of discipline along these lines. Though the distinction between the church and the magistrate was not as clean and clear as Calvin wished, by 1553 he had secured a legally supported right of excommunication, and (with public opinion now in his favor) so thorough a practice of discipline that Knox later exclaimed: "I nether feir nor eschame to say (Geneva) is the maist perfyt schoole of Chryst that ever was in the erth since the dayis of the Apostillis."<sup>(2)</sup>

F It was in England, however, that John Knox had his first personal contact with continental disciplinarians, during the spring of 1549.<sup>(3)</sup> Though the reformation there had seemed unsatisfactory to Knox in 1547, by 1549 the sweep of reform in the southern kingdom had his unqualified approval.<sup>(4)</sup>

(1) Eells, op. cit., p. 299

(2) Works, Vol. IV, p. 240

(3) Knox was not the sole Scottish reformer in England at this time. Among others were Rough and Willock; Lorimer, J. Knox and the Church of England, p. 15

(4) Works, I, p. 185; H. Brown, op. cit., I, p. 104

Two important developments during this time (while Knox was imprisoned in French galleys) account for this change in attitude: (1) the accession of Edward VI to the throne (who, with many of his council, openly inclined toward thorough reformation); and (2) the presence in England of a very distinguished group of continental (or continentally trained) divines. <sup>(1)</sup> Knox noted these men in his history, and the order in which their names slipped from his pen is very interesting from the point of view of discipline: "Martin Buceir, Petir Martyre, Joannes Alasco....., Gualterus, and many others..." <sup>(2)</sup> Archbishop Cranmer had invited these men to positions of ecclesiastical responsibility about the time that Knox was commissioned by the government to preach at Berwick-on-Tweed. The course of the future of reformation in the Church of England could not have been predicted at this time. The important place of discipline in this period of Edward VI becomes clear as we glance at a few of the leaders and events which touched the life of Knox at this time in England.

1. John Hooper arrived in England after two years' residence in Zurich. He immediately became the most popular preacher in London being judged by one reformer, "the Zwingli of England." <sup>(3)</sup> Later he was consecrated Bishop of Gloucester. That Bishop Hooper was determined to bring discipline to the Church of England can be seen from the following excerpts from his Confession of Faith:

...God hath given us three principal signs and marks (of the church)... the word, the sacraments, and discipline. (Ecclesiastical discipline) is the ordinance of Christ in his church. The power to bind and loose is not given...to one or two, or to some particular person, but to the whole church...Excommunication...is the sword...to cut off the rotten

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(1) Works I, p. 108

(2) Ibid., pp. 243-4

(3) Micronius; see Smyth, op. cit., p. 206

members;...it is the key to shut up the heavens from the wicked; ...it is the rod to chasten...not to confound...but as spiritual medicine. Excommunication ought not to be exercised toward all sinners, but only against open, rebellious, and obstinate sinners, when brotherly correction, commanded by Christ in the gospel doth take no place. There are in this church two swords. The magistrate is an ordinance of God set in his church. (1)

These statements are closely akin to the Scottish documents. Bishop Hooper's theory moved into practice in 1551 when he required his clergy to subscribe to a body of articles which he had drawn up, and when he began a diligent visitation and interrogation of both clergy and laity regarding faith and conduct. Interesting too is the fact that he constituted certain of the clergy to be superintendents to watch over inferior ministers.<sup>(2)</sup> Knox's admiration for this "father of English Puritanism" will appear later.

2. John a'Lasco was a Polish reformer who had come to England as an exile from the reformed church in Friesland which he had organized and of which he had been superintendent. He was given royal permission to organize and superintend a group of Flemish, French, and Italian refugee churches according to a continental "Forma ac Ratio."<sup>(3)</sup> The place of discipline in this very complete system of ecclesiastical policy cannot be questioned, and its great and direct influence upon the Scottish theory and practice will appear throughout the remainder of this study.<sup>(4)</sup>

(1) Parker Society, Later Writings of Bishop Hooper, p. 43, 51, 52, 53, & xvii

(2) Ibid, p. xvii

(3) A French translation of the Latin "Forma" has been used throughout this work because it was most readily accessible. One of the two Latin copies in the Old College Library of the University of Edinburgh bears the personal inscription of a'Lasco to none other than John Calvin! How did this (evidently Calvin's personal copy) reach Scotland? It is interesting to conjecture that perhaps the means was John Knox himself. This copy may then have become Knox's basic text from which he drew heavily for the Scottish documents.

(4) This dependence was established by Prof. Mitchell. See The Wedderburns and Their Work, p. 80 et seq.



In the Forma discipline was the third mark of the "Ecclesiastical Assembly."<sup>(1)</sup> Its position within the very essence of the church (as with Knox but contra Calvin in 1559) was explained by the inner relatedness of the three marks: "les quelles marques dependent tellement l'une de l'autre, que l'une ne peut estre parfaitement observee sans l'autre."<sup>(2)</sup> For a'Lasco discipline was not a matter for debate, but "une certaine maniere" chiefly drawn from scripture and to be observed step by step.<sup>(3)</sup> These familiar degrees of private and public discipline were to be administered by the whole church through its "particular assemblies" of superintendent, ministers, elders and deacons.<sup>(4)</sup> This did not fit easily into the old church structure of the early 50's in the English reformation, and aroused heated reaction from the English bishops.<sup>(5)</sup> But there was no doubt in a'Lasco's mind that having commenced "l'usage de la discipline a nous mesmes," that "par nostre tel quel exemple, nous monstrissions la voye en cest endroit..."<sup>(6)</sup>

3. Vallerand Poullain. A'Lasco acknowledged that the Forma was drawn from the examples of the church of Geneva and the church of Strangers (Calvin's French congregation) of Strasburg.<sup>(7)</sup> This congregation, with the minister, Vallerand Poullain, were also in exile and in England (Glastonbury) in 1549 and following. The order of this congregation of Walloons must

(1) La Forme & Maniere, p. 102 (New College Library, Edinburgh)

(2) Ibid.

(3) Ibid., p. 152

(4) Ibid., p. 228, et seq.

(5) Smythe, op. cit., p. 196 et seq.

(6) Forme, pp. 225-6

(7) Ibid., preface

have been known because it was published in a Latin edition (Liturgia Sacra) dedicated to Edward VI in 1551 and in a French edition dedicated to "The Catholic Church" in 1552.<sup>(1)</sup> The claim for discipline here is even stronger than that of the Forma: Poullain went so far as to claim that it was through the Ecclesiastical ministry of Word, Sacrament, and discipline that the Holy Spirit "may always be effectual unto salvation in the elect."<sup>(2)</sup> Each member of the congregation was required to "promise all obedience to the whole ecclesiastical discipline."<sup>(3)</sup>

4. Martin Bucer and Peter Martyr. Of the considerable number of foreign divines in England, none could command more respect than Martin Bucer and his former Strasburg colleague, Peter Martyr. In the years 1549 to 1551, Bucer was probably held in the same high esteem in Britain as the eminent Bullinger, and these two men at this period undoubtedly outranked the younger Calvin. Bucer's influence on the reformation of the Church of England has been explored recently,<sup>(4)</sup> and it is very informative to note his relation to the development of discipline in the southern kingdom.

Events came to focus dramatically in February of 1551 when Bishop Hooper, with Zwinglian zeal, plunged the English reformers into a controversy over the use of vestments. This was particularly embarrassing for Bucer and Martyr who, since the autumn of 1550, had been recommending corrections of the English Prayer Book with good prospect of securing drastic change.<sup>(5)</sup>

(1) Gordon, unpublished thesis on the Liturgia Sacra (U. of Edinburgh) p. iv.

(2) Ibid., p. 152

(3) Ibid., p. 160

(4) Hastings Eells, op. cit.; Hopf, etc. Later English divines quoted Bucer as final authority in worship and discipline. See extracts from Bancroft's sermons, Wodrow Society Miscellany, Vol. I, p. 480

(5) Smythe, C. H.; Cranmer and the English Reformation under Edward VI, p. 246 Bucer's criticisms were embodied in his Censura.

On 10th January, 1551 Martyr had written enthusiastically to Bucer:

"...Cranmer tells me that many things are to be changed;...Dr. Cheke... has told me...if they (the bishops) are unwilling...the King will do it himself."<sup>(1)</sup> But Hooper's imprisonment (13th January) for obstinacy brought the vestarian controversy to a head and interrupted the strategy of the foreign divines. A few days later Martyr addressed Bucer again, in a mood of discouragement:

...I do not think they have gone so far as to decide to adopt the whole of your or my suggestions. To our (archbishop) indeed, I said more than once that, having undertaken this correction of the rituals, they ought to look well to it that the restoration they make should be... simple, chaste, and pure...But this is the matter of deepest concern... that while they are entirely occupied with those subjects of minor importance, those things in the church which ought to be considered as the prow and the stern, remain neglected ! For, as to establishing order in the parishes, and (providing) that doctrine and discipline may be ministered everywhere among the people--not a syllable!

What did these reformers teach the young king and his council concerning discipline and a true church? Bucer's recommendations for a great national reformation were embodied in his most comprehensive work, De Regno Christi, dedicated to Edward VI in 1551.<sup>(3)</sup> In this scheme (which sought to adjust continental reformed policy to English political and ecclesiastical structure) the place of discipline for both clergy and people was boldly and absolutely set forward.

Discipline was the third part of the ecclesiastical ministry in De Regno Christi, and consisted of three elements: "ea vero est triplex--una, vita & morum; altera, poenitentiae, si quis gravius diliquerit; tertia,

(1) Smythe, op. cit., p. 246

(2) Ibid.

(3) Hopf, Martin Bucer, p. 100. De Regno Christi was first published in Basel in 1557 and must have been known to both Calvin and Knox.



sacrarum caeremoniarum." (1) Thus, to the regular process of the discipline of censures (i.e., the process of private and public discipline) Bucer deliberately added the ceremonies and government which support the whole worshipping community:

Tertia communis Christianorum caeremonia est, sacrarum in sanctis Christi coetibus actionum, ut administrationis verbi; sacramentorum, & disciplinae Christi; precum & Psalmorum, eiusmodi ratio & moderatio, ut illae cuique populo religiose, decenter & ordine, ad veram que fidei aedificationem exhibeantur, & administrentur. (2)

Here we find an important basic clue to explain the ambiguity in the definition of discipline noted at the conclusion of Chapter II. The master, Bucer, broadened the use of the term to include the whole policy and structure of the worshipping church. His De Regno Christi was a scheme of national reformation and discipline parallel in scope and content to the first Book of Discipline.

The near success of the continental reformers in bringing discipline to England as an integral part of the English reformation can be evidenced unmistakably.

The 1553 Catechism of Edward VI, written for the teaching of schoolmasters, includes the following:

The marks of this church are: first, pure preaching of the gospel; then brotherly love, out of which, as members of all one body, springeth good will of each to other; thirdly, upright and uncorrupted use of the Lord's sacraments, according to the ordinance of the gospel; last of all, brotherly correction, and excommunication, or banishing those out of the church that will not amend their lives. This mark the holy fathers termed discipline. (3)

(1) Scripta Anglicana, p. 59

(2) Ibid., p. 73

(3) Parker Society, Liturgies of King Edward VI, p. 513

Even after later Anglicanism had turned against the rigid and rigorous methods of Puritanism in matters of discipline, there was a hesitancy to drop such a major mark of the church. In the 1559 Book of Common Prayer we find a service of "Commination against sinners, with certain prayers, to be used divers times in the year." The rubric and instruction included the following:

After morning prayer, the people... assembled in the Church... (after the litany) the priest shall go into the pulpit and say thus: 'Brethren, in the primitive church there was a godly discipline, that, at the beginning of Lent, such persons as were notorious sinners, were put to open penance, and punished in this world, that their souls might be saved in the day of the Lord: and that others admonished by their example might be more afraid to offend. In stead whereof, until the said discipline may be restored again (which thing is much to be wished) it is thought good... 'to substitute a litany of confession, cursing, prayer for absolution and conversion. (1)

That this was not just diplomacy to placate puritans is indicated by an enquiry of Archbishop Grindal in 1576 in Canterbury asking whether the service of commination had been read "three times at least in the year..." (2) The service remained a constant feature of the English Prayer Book.

The exciting sweep of discipline during the early days of the English reformation was brilliantly summarized at the end of the sixteenth century by a George Cranmer in a letter to Richard Hooker, the ardent defender of Anglicanism:

It may be remembered that at first, the greatest part of the learned in the land were either eagerly affected, or favourably inclined that way. The books then written for the most part savoured of the disciplinary style: it sounded every where in pulpits, and in the common phrase of men's speech: the contrary part began to fear they had taken a wrong course; many which impugned the discipline, yet so impugned it, not as not being the better form of government, but as not so convenient for our state, in regard of dangerous innovations thereby likely to grow. (3)

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(1) Parker Society, Liturgical Services of Queen Elizabeth, p. 239

(2) Parker Society, The Remains of Edmund Grindal, p. 158

(3) Richard Hooker, Laws of Ecclesiastical Polity, p. 544 (Appendix)

With this evidence at hand, we must grant that the continental divines in England during the early 1550's rapidly moved their reformation in the direction of a three-marked church. It is very misleading to suggest that Bucer "was a strong supporter of Anglicanism" and that "the use of vestments in the Church of England today can be attributed to its defense by Bucer."<sup>(1)</sup> During Bucer's period of influence, the reformation in England had not become fixed; the clear distinctions between Anglicanism and Puritanism had not emerged. Nor can Bucer be described as tending toward the later Anglican point of view. Both Bucer and Martyr favored simplicity and a government and ceremonies resembling the democratic "primitive church" in so far as possible. What divided the reformed divines was the question of the relative importance of these minor matters. Bucer and Martyr were forced to side with Archbishop Cranmer in agreeing that vestments were to be treated as things "indifferent" (i.e., with no clear scriptural directive and therefore optional) and "lawful" when prescribed by the government.<sup>(2)</sup> On the other hand, John a'Lasco sided with Bishop Hooper in believing that in the church and scripture there were very few if any "indifferent" matters.

Thus vestments and Anglicanism were established in spite of Bucer and Martyr and not because of them. Their great stress on discipline was largely ignored by all except the later puritan party who narrowed, hardened and warped the original Bucerian theory.

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(1) As does Hopf, op. cit., pp. xii, xiii

(2) Smyth, op. cit., p. 215

(3) Works I, p. 199



5. John Knox. The scope and sweep of discipline in England during the early 1550's has been outlined because this was the very period of Knox's sojourn there; this was his first opportunity to glimpse first-hand the attempts to establish discipline on a national scale. Evidence of Knox's personal connections with the divines mentioned above is meager, but confirms what we have surmised already: that his passion for discipline and his prejudice against "things indifferent" placed him very close to Bishop Hooper. Before he left Scotland (in a famous debate with Friar Arbuckill in St. Andrews) Knox had made his "puritan" position clear:

...what the Lord thy God hes commanded thee, that do thou; add nothing to it; diminish nothing from it. Now onless that ye be able to prove that God hes commanded your ceremonies, this his former commandiment will dampne boyth you and thame. (1)

That Knox was deeply concerned for discipline in England is shown by the answer he gave to a question put to him by the English Privy Council in April 1553 as to "whether he thought that no Christian might serve in the ministry of England according to the rules and laws of the realm?" Knox replied that

unless many things were reformed, no minister could discharge his office before God in England, for no minister in England had authority to divide and separate the lepers from the whole, which was a chief point of his office. (2)

Knox's particular admiration for the extreme spirit and methods of Bishop Hooper appears later in his record of the Frankfort controversy:

(1) Works I, p. 199

(2) Lorimer, Knox and the Church of England, p. 175; H. Brown, op. cit., I, pp. 136-7

And because that some men nothing ashamed to say...that there was no stop in England, but that religion might go furth and grow to purity, and that it was already brought to perfection; I reprov'd this opinion as fained and untrue, by the lack of discipline which is not in the Book (the second Prayer Book of Edward VI) neither could in England be obtained. (And he expressly added his contempt for those who had caused) the trouble that Mr. Hooper sustained...(1)

It would seem, then, that Knox's stay in England was determinative.

Perhaps it was here (more than from Calvin) that he caught the Bucerian vision of a reformed and disciplined commonwealth which might conceivably embrace both Scotland and England. It certainly was here that Knox found himself at home in the company of Hooper and a'Lasco whose impatient zeal and devotion to scripture found a kindred spark in his own heart. Further study and bitter experience would only deepen his determination to cling to discipline as a necessary mark of the true church.

G The Frankfort controversy, so important for the course of discipline, involved many of the divines who would later chart the paths of the Church of England and the Church of Scotland. By 1554, with the accession of Catholic Mary Tudor to the English throne, protestants by the thousands were forced to escape to the continent. One of the cities of refuge was Frankfort on Maine. Poullain and his French Walloon congregation (using the Liturgia Sacra as the basis of their doctrine and discipline) settled there. Then came a group of English refugees; and finally, John a'Lasco and the "faithful remnant" of his persecuted London congregation.

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(1) Works, IV, p. 44

In September of 1554 the English congregation had somewhat settled themselves, having promised the magistrates of the city to follow the basic policy of the French congregation. This small group elected Knox and William Whittingham as their pastors. Knox came in November 1554 having had a brief stay in Geneva, and having "travellit through all the congregationis of Helvetia" talking with learned pastors. <sup>(1)</sup>

The congregation concluded that Knox, Whittingham and others "sulde draw forth some order meet for the state and time; which thing was by them accomplished and offered to the Congregation (being the same order which is now in print)."<sup>(2)</sup> This order drew heavily from Calvin, from the Liturgia Sacra and from the practice of a'Lasco. However, the congregation in Frankfort could not agree on the new liturgy (later practised in Geneva as well as in Scotland), and a compromise was finally agreed upon which lasted until 13th March, 1555<sup>(3)</sup> when the whole church was disrupted by the arrival of Richard Cox and others who were devoted to the English Prayer Book and refused to "subscribe to discipline as others had done before them."<sup>(4)</sup> These men were successful in engineering the expulsion of Knox from the city within a fortnight.<sup>(5)</sup>

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(1) Works III, p. 235

(2) Ibid., IV, p. 30; According to Knox, this was the origin of the important Liturgy outlined in Chapter II which became so instrumental in introducing discipline to Scottish congregations (Supra p. 23)

(3) Maxwell, J. Knox's Genevan Service Book, p. 5

(4) Works IV, p. 33

(5) Ibid., p. 40



The controversy at Frankfort, as Knox reported it, was whether their church "should have an English face," or be "agreeable in outward rites and ceremonies with Christian churches reformed."<sup>(1)</sup> To Knox, of course, this meant that if the church settled for an English face it settled for an imperfect church, because (among other things) its discipline was defective.<sup>(2)</sup> In fairness to Knox according to the evidence presented, the weight of most of the learned opinion most certainly must have supported the zealous Scotsman.

After Knox left for Geneva, the divided congregation continued to quarrel and even more directly over the question of discipline. A few excerpts from the record of this disturbance (Troubles at Frankfort, as reported probably by William Whittingham in 1575) will show the way in which the controversy pointed up the need for a clear definition of the term discipline.

The English congregation followed a compromise policy known as The Order of the Old Discipline of the English Church at Frankfort during and until shortly after Knox's brief ministry. In this order, discipline was specifically defined as consisting of two parts: "the one pertaininge to the whole church, the other pertaininge to the ministers and elders alone."<sup>(3)</sup> The order included the method of receiving members, prayers, preaching, administration of the sacraments, submission to discipline (censures) and catechism of the youth.<sup>(4)</sup> Obviously discipline here was equated with the whole policy of the church (and we remember that this was the compromise agreed upon under Knox's administration).

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(1) Works IV, p. 42

(2) Supra, p. 77

(3) Troubles at Frankfort (National Library, Edinburgh), p. cxi; cf. Clark, op. cit., p. 62

(4) Ibid., pp. cxi-cxiv

A New Discipline was necessitated by a split (after Knox's expulsion) between the ministers and elders. Because of clerical tyranny, the congregation were eager for a new and more democratic order since the old discipline had no "ordinarie wai" by which the congregation could proceed against the session and ministers. <sup>(1)</sup> We may note that this democratic spirit is very close to the first Book of Discipline which reflects the same concern for basing discipline in the whole church.

Further definition of the term discipline, however, moved away from the mind of Knox as manifested in the Scottish order. The New Discipline added distinctions and limitation:

The signes and notes off a visible churche are thies:...doctrine, sacraments, godly life...discipline.....But the two firste notes are suche as withowt the whiche no forme off anie godly visible churche can possibly be. (2)

Although the worde Discipline generally doth conteine all Ecclesiasticall orders and ordinances, yet in this place it is properly taken for the rule off owtward honest orders and manners and off the punishment and correction off vices. (3)

These limitations (discipline as a mark, but not a necessary mark; and narrowed primarily to censures) were in agreement with Calvin's Institutes of 1559, <sup>(4)</sup> but this reduced theory could hardly have suited the mind of John Knox.

H Geneva may be mentioned again only briefly because it was during the period of 1547-1557 that Calvin came to full control of the city and made it the "perfect school of Christ." Calvin had just concluded his fourteen-year

(1) Troubles at Frankfort, p. lxxix

(2) Ibid., p. cxvi

(3) Ibid., p. cxxv

(4) Supra, pp. 36-7

struggle to establish effective discipline when Knox arrived in 1555 to take up leadership of the English congregation. From this time to his death, Calvin and Geneva were the dominant influences in the European reformation.

Because of the rapid expansion of discipline into Switzerland, France, Germany and the lowland areas, and because no clear theory of discipline had been universally agreed to by the leading reformers, this subject must have been an important center of debate. A'Lasco's Forma, first published in full in Frankfort in 1555, was translated into French in 1556. Poullain also published an expanded edition of the Liturgia Sacra in 1555.

That it was a practice of discipline close to a'Lasco's to which Calvin gave his blessing (rather than the Genevan practice which did not allow as much autonomy to the church as Calvin wished, and which was limited to the governing of one city only) is suggested by the fact that Knox's Liturgy received Calvin's approval and was permitted in the English church in Geneva.

Yet Calvin must have watched the growth of discipline not only with pride, but also with increasing apprehension. The precise reasons for this must await further Calvin study. Did he fear losing the cause of reformation in England because of discipline? Was he afraid of the inevitable damage to the reformation which might arise when discipline was placed into the hands of over-zealous men? Or were his apprehensions basically theological in origin? Was he afraid that discipline might displace rather than support the Word and Sacraments?



Whatever his reasons, Calvin sounded grave warnings in his later writings published on the eve of the Scottish reformation. In his commentary on Matthew, Mark and Luke (dedicated in 1555 significantly to the magistrates of Frankfort as an act of appreciation for their assistance to the foreign refugee churches)<sup>(1)</sup> he outlined again the process of discipline,<sup>(2)</sup> but stated unequivocally that "it must be observed that this (binding and loosing) does not belong to the nature of the Gospel, but is accidental...(discipline is only) an appendage to doctrine."<sup>(3)</sup> In the 1559 Institutes, as we have noted, discipline was not a mark of the church and was limited to censures. It was not deemed necessary to salvation.<sup>(4)</sup> For zealous reformers Calvin recommended a "middle course which does not give too great offense to the weak, and yet is adapted to cure their diseases."<sup>(5)</sup>

The following summary of Calvin's late thinking on discipline may surprise some who have thought of Calvin as the father of reformed discipline. His hesitations as well as his basic principles give real guidance to modern ecumenical thought.

Because the Lord, in his holy oracles, has faithfully comprehended and plainly declared to us the whole nature of true righteousness, and all the parts of Divine worship, with whatever is necessary to salvation, --in these things he is to be regarded as our only Master. Because, in external discipline and ceremonies, he has not been pleased to give us minute directions what we ought to do in every particular case, foreseeing that this would depend on the different circumstances

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- (1) Calvin Translation Society, Matt., Mark, Luke, Vol. I, p. xxxi
  - (2) Important references in Calvin to the process of discipline and to the doctrine of Keys can be found in the commentary, Vol. II, pp. 352 et seq. and 292 et sequitur, as well as in the Institutes.
  - (3) Commentary, II, pp. 293, 358
  - (4) IV, 1, 9; IV, x, 30
  - (5) Commentary, II, p. 352

of different periods, and knowing that one form would not be adapted to all ages,--here we must have recourse to the general rules which he has given, that to them may be conformed all the regulations which shall be necessary to the decorum and order of the Church. Lastly, as he has delivered no express injunctions on this subject, because these things are not necessary to salvation, and ought to be applied to the edification of the Church, with a variety suitable to the manners of each age and nation, therefore, as the benefit of the Church shall require, it will be right to change and abolish former regulations, and to institute new ones. I grant, indeed, that we ought not to resort to innovation rashly or frequently, or for trivial causes. But charity will best decide what will injure or edify, and if we submit to the dictates of charity, all will be well. (1)

I The last stage in the genealogy of discipline which had at least a strong indirect bearing upon the Scottish reformers and reformation was the French Formulary adopted by the first Synod of France in May 1559. As in Scotland a year later, the French church adopted two basic documents: the Confession de Foy<sup>(2)</sup> and Quant a la Discipline Ecclesiastique.<sup>(3)</sup> As with the Scottish and earlier Frankfort usage, the term discipline was here clearly taken to cover the entire policy of the church--another precedent to explain the broad popular usage of the word in Scotland.

It is interesting to note that the Confession was largely the work of Calvin, while the document of discipline was the work not of Calvin, but of representative ministers and elders of fifty French churches.<sup>(4)</sup>

Like a'Lasco's Forma and Knox's Liturgy, the French documents called for a consistory which elected ministers, elders and deacons. Like the Liturgy

(1) Institutes IV, x, 30

(2) Niesal, op. cit., p. 66 et seq. Quick (Synodicon, p. xv) states that Calvin composed the Confession himself, though Curtis (op. cit., p. 224) suggests that the synod made some changes in Calvin's first draft.

(3) Niesal, op. cit., p. 75, et seq.

(4) Curtis, op. cit., pp. 224-5

the French order subjected the ministers and elders to the discipline of the local consistory. Excommunication could be even from "the word" (i.e., from preaching). The consistory was supported by a pyramid of courts: the colloquy, the provincial synod, and the national synod. Of great interest is the office of the superintendent which appeared in Article XXXII of the Confession (probably written by Calvin):

We believe that it is expedient, that they who be chosen superintendents in the church should wisely consult among themselves by what means the whole body may conveniently be ruled, etc. (1)

It is seldom noted that this office appeared in the original French formulary, and that the author (authors ? ) assumed that the administration of national ecclesiastical affairs ought to be given over to a council of these learned superintendents. Was this what the Scottish Book of Discipline was hinting at as a possible organ of national administration when the term "whole council of the church" was used in matters relating to the superintendent?

The office of superintendent was practised in France, but later (as in Scotland) was deemed incompatible with the system of church courts outlined in the French discipline. The actual practice of this office is confirmed by a later canon (No. XVIII) which removed the office:

That custom used in some places of deputing certain ministers from the provincial synods to visit the churches, shall be for time to come totally suppressed and abolished. That order which hath been used until now being sufficient enough for taking cognisance of scandals. And this manner of erecting new offices and employments is condemned because of its dangerous consequences, as also all names of superiority are rejected such as Elders of Synods, Superintendents, and the like...(2)

(1) Quick, Synodicon, xiii; Neisal, op. cit, p. 73

(2) Ibid, p. xx

(3) Ibid,



Thus we see that the original Confession de Foy implied a policy very similar to a'Lasco's Forma and to the first Book of Discipline. The French and Scottish developments in discipline evolved along parallel lines and at the same time. In both cases, if the churches had received more sympathetic concern from the magistrates, the office of superintendent might have developed along the important lines originally intended by the reformers. (1)

These were the basic events and developments relating to discipline in the reforming nations around Scotland. We need now to glance at discipline within the country itself in the important decade of 1547 to 1557. What was the natural, native growth of this third mark of the church during this period?

### iii Scotland and Discipline between 1547 and 1557 J

It would not be correct to tell of these years in the Scottish reformation as if they depended solely on the chief Scottish reformers abroad, or even upon the semi-religious, semi-political leaders in the battle at home. The growth of the church and discipline was a movement of the Scottish people themselves. As we have noted, very early discipline had many opportunities for natural entrance into the nation; it was not forced upon Scotland as a rude innovation in 1560. Knox told this portion of the history in "The Order of the Electioun of Elderis and Deaconis in the Privie Kirk of Edinburgh, in the begynning, quhen as yet thair was no Publict Face of a Kirk, nor open Assemblies, but Secreit and Privie Conventiounis in houses, or in the Feilds."

(1) *Infra*, p. 124

Befoir that thare was ony publict face of a trew Religioun within this Realme, it pleased God of his grit mercie, to illuminat the hairts of mony privat persones, so that they did perceave and understand the abuses that were in the Papisticall Kirk, and tharupoun withdrew thameselfis from participatioun of thare idolatrie. And because the Spirit of God will never suffer his awne to be idle and voyde of all religioun, men began to exercise thameselfis in reading of the Scriptures secretly within thair awne houses; and varietie of persones culd not be kept in gud obedience and honest fame, without oversiers, elders, and deacones: And so begane that small flocke to put thameselfis in such ordour, as if Christ Jesus had planely triumphed in the middes of thame by the power of his Evangell. And thay did elect sum to occupie the supream place of exhortatioun and reading, some to be Eldeirs and helperis unto tham, for the oversight of the flocke: And some to be Deacones for the Collectioun of almes to be distributed to the poore of thair awne bodie. Of this small begynning is that Ordour, quhilk now God of his grit mercie hes gevin unto us publictly within this Realme. (1)

In this paragraph, Knox telescoped a process that probably had its origins back in the period of the Evangel; then gradually, as reformation ideas became absorbed and adjusted to native needs, the orders of the reformed church of Scotland emerged.

It is difficult to give dates for the organization of the first congregations. Calderwood assigned the actual organization of the Privy Kirk of Edinburgh to the year 1555:

The professours of Edinburgh had their private conventiouns this yeere, in the fields in sommer, in housses in winter. William Harlaw and Johne Willocke were their teachers; sometimes Paul Methven and John Dowglas, alias Grant. They had their owne elders and deacons, etc.... The small number increased daylie, untill the time of publick reformatioun. (2)

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(1) Works, II, p. 151

(2) Op. cit., I, pp. 303-4

The defeat of the English party which had sent Knox, Balnaves, and others to the galleys and to prison had been only a temporary victory for the old order. The religious and political situation encouraged protestants to continue their break with the old church. During the English invasion of 1547 "there was much desire in Angus and Fyfe to have a good preacher and Bibles and Testaments and other good English bookes of Tyndale and Frith's translation."<sup>(1)</sup> During the decade following, not only the doctrine of the church, but the whole structure and ordering of the Catholic institution came under fire. Methven, a secretary of Mary of Lorraine (the ruling Scottish regent) reported in June 1548 that one of the reasons why "Inglist men is fauorit and the authorite nocht obeyit" was that "part of the legis has tayne new apoyntionis of the scriptour, and has don agan the law and ordinance of holy kirk."<sup>(2)</sup> There was no Henry VIII nor Archbishop Cranmer in Scotland to steer a via media, and the result was that what had started as a reformation of doctrine and morals within the church swept on (with continental encouragement) to attack the entire structure not only of the church but inevitably of the state also. The Scottish reformers had reason to give discipline and important place in their scheme and demand as wide a meaning as possible for it.

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(1) Hewison, Certain Tractates, p. xxiii

(2) Annie I. Cameron, The Scottish Correspondence of Mary of Lorraine, S.H.S., 1927, p. 241



As the reformation grew during this important decade, discipline came directly upon Scottish soil through several important native channels. We note two of the most significant.

1. In 1551 John Willock (as chaplain of the Marquis of Dorset--father of Lady Jane Grey) came to Scotland as one of a number "of good preachers" brought "with a view principally of faithfully instructing and enlightening in religion..."<sup>(1)</sup>

The text for this "enlightenment" was Henry Bullinger's Fifth Decade which had been dedicated to the Marquis. John Ab Ulmis (another eager reformer) brought two copies (one for the Marquis, and one for Willock) to Berwick where the party of nobility and preachers had preceded him.<sup>(2)</sup> The background of this mission was the Edwardian reformation already outlined. In view of the scope of the Decades which covered every aspect "of the Holy Catholic Church (what it is, how far it extendeth, by what marks it is known, how it is maintained and preserved, etc...),"<sup>(3)</sup> and in view of the fact that Scotland seems to have been spared, to a great degree, the "supper-strife," (or controversy over the Lord's Supper which had caused division between the Lutheran and Swiss reformers), it seems to me that Professor Lorimer's inference is unwarranted that the Lord's Supper was the only major concern at this time in Scotland.<sup>(4)</sup> Matters of discipline

(1) Lorimer, Knox and the Church of England, p. 44

(2) Ibid., p. 46. Ulmis made these comments in 1551: "There appears to be great firmness and no little religion among this people of Scotland...as to the commonality...it is the general opinion that greater numbers of them are rightly persuaded as to true religion than here among us in England."

(3) Parker Society, Decades V, p. 3

(4) Lorimer, op. cit. p. 45

and structure were also of immediate and primary concern.

Bullinger's scheme of general reformation was very similar to that of Bucer and Calvin. In regard to discipline we have noted that, though proposed along what would later be termed "Erastian" lines, <sup>(1)</sup> both ministers and laymen were subjected to "admonition" and "correction," <sup>(2)</sup> and discipline was made to "extend to the whole church." <sup>(3)</sup> The ministry of the church was to consist of "bishops" and "elders," the terms being synonymous. <sup>(4)</sup> Bullinger quoted Jerome and Cyprian with approval in allowing, for preventing schism, "one of the elders" to be chosen "to be superintendent, and to have the oversight of the ministers and the whole flock." <sup>(5)</sup>

The elders were "either bishops, or otherwise prudent men added to bishops." <sup>(6)</sup> The "pastors" and "doctors," since the time of the Apostles, have "enlarged and maintained" the church assisted by other elders and deacons, "the deacons seeing to the poor, and the elders in doctrine and discipline, and in governing..." <sup>(7)</sup>

(1) Bullinger favored the practice of Justinian, making the discipline of the ministry the object of a synod called by the magistrate. *Op. cit.*, p. 506

(2) *Ibid.*, p. 507

(3) *Ibid.*, p. 509

(4) *Ibid.*, pp. 108-9; "From the beginning there was no contention...for prerogatives, or titles, or dignity; for all acknowledged themselves to be...co-equal in...office or charge...unequal, not in office, but in gifts."

(5) *Ibid.*, p. 111; "He had not dominion over his fellows in office or other elders: but, as the consul in the senate-house was placed to demand and gather together the voices of the senators, and to defend the laws and privileges, and to be careful lest there should arise factions...even so...the office of bishop in the church...in all other things he was but equal with the other ministers."

(6) *Ibid.*, p. 107

(7) *Ibid.*, p. 108

How greatly the work of Bullinger directly influenced the organization of privy kirks and local Scottish congregations we can only conjecture. Certainly the Swiss reformer was a major influence on the life of John Willock who was equal in zeal and fervor with Knox in the cause of reformation.

Willock was back in Scotland in 1554 on a commission to the Queen Regent from the Duchess of Emden; but "his principall purpose," wrote Knox, "was to assay what God wald wirk by him in his native countrey."<sup>(1)</sup> It is interesting to note also that Willock brought not only the influence of Bullinger, but that as well of a'Lasco. The Duchess of Emden had been the patroness of the Polish reformer when he had organized and superintended the reformed church in Friesland before being driven to England in 1548.<sup>(2)</sup> Thus Willock must have had ample opportunity both in Emden and England to secure a full understanding of the practices of two great leaders.

Perhaps this explains the fact that Bullinger and the Zurich divines (familiar to Scotland since Wishart, and visited by Knox in 1553) would be sent (with anticipated approval) a Latin copy of the first Book of Discipline in 1560.<sup>(3)</sup>

2. "And last came Johne Knox."<sup>(4)</sup> In 1555, with his English, Frankfort and Geneva experiences behind him and his own theory of discipline matured,

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(1) Works I, p. 245

(2) Smyth, op. cit., p. 182

(3) Works VI, p. 119

(4) Ibid., I, p. 245



Knox returned for a brief period of fervent preaching in his native country. As a result of the rapid growth of the reformation within Scotland, sparked by the fiery preaching of Knox, men of all estates began to listen. In Mearns a "band" was drawn among a few men "to mainteane the trew preaching of the Evangell of Jusus Christ, as God should offer thame preachearis and opportunitie;"<sup>(1)</sup> and there was desire that Knox's doctrine be public in Edinburgh.<sup>(2)</sup>

Thus the way was prepared for the general band of December 1557<sup>(3)</sup> when "the Congregation" came to self-consciousness as a body of semi-national character and significance. We must remind ourselves, however, that reforming religion was only one of several motives which drew the Congregation together.

During the period of 1547 to 1557, though privy kirks and local congregations had been practising (perhaps in a variety of ways) forms of discipline, outwardly and on a national scale discipline was referred to very cautiously. Knox knew that the policy of discipline could not be settled until the attitude of the chief magistrate of the nation could be determined.<sup>(4)</sup> When the Queen Regent angered him by referring to his letter (calling for national reformation "as well in religion as in manners")<sup>(5)</sup> as a mere "pasquill,"<sup>(6)</sup> the chief reformer realized that the establishment of the third mark would

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(1) Works I, p. 250

(2) Ibid.

(3) Ibid., p. 273; Source Book 2, p. 152

(4) This problem will be explored further in Chapter IV

(5) Works IV, p. 80

(6) Ibid., I, p. 252

not be easy, and his forced return to Geneva in 1556 only confirmed his fears. During this important decade, discipline was largely underground and the "Lords of the Congregation" moved cautiously, recommending only the quiet meetings in private houses "whill after that God move the Prince to grant publict preaching be faithfull and trew ministers."<sup>(1)</sup>

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By 1557, then, the main factors forming and determining Scottish discipline were these:

1. Scotland had taken her place squarely within a general reformation movement in which discipline was recognized by the majority of first-rank reformers as a mark of the true visible church.
2. Scotland had a tradition of native reformed disciplinary ideas going back to Patrick Hamilton and 1528.
3. By 1557 Scotland had actual reformed congregations practising discipline and a few very able and particularly zealous leaders who had travelled and had studied in foreign reformed churches and who were committed to discipline.
4. Scotland was acquainted with the greatest texts on protestant church government and discipline in existence at the time: Bullinger's Decades, and Calvin's Institutes (early editions).
5. The Scottish reformers had before them the goal of reformation and discipline on a national scale as attempted in Germany, England and

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(1) Works I, p. 276

France (concurrently with Scotland).

6. The chief Scottish reformer had already prepared a Liturgy for worship and discipline for use at the congregational level which was in practice in Geneva by 1557 (and, conceivably, in Scotland).

7. A detailed source book prepared by John a'Lasco on "Forms and Methods" in discipline had just been published; this was intended to adapt reformed discipline to large-scale reformation, and within an absolute monarchy.

These were the important materials and traditions with which the Scottish reformers were working as, in 1558, they determined "to have the face of a church amanges us, and open crymes to be punished without respect of persone."<sup>(1)</sup> The opportunity for the reformed party to bring the national reformed Church of Scotland into being came after the Treaty of Edinburgh, 6th July, 1560, when the effective governing power rested with protestant lords (the Queen regent having died, and young Queen Mary being absent in France). Though the terms of the treaty permitted Scottish subjects to hold a Parliament, they forbade them to deal with matters of religion during the Queen's absence. Nevertheless, with apocalyptic zeal, the protestant forces adopted the Confession of Faith which marked official recognition of the reformed church. Then they moved enthusiastically toward the second step; the recognition of discipline as set forth in the Book of Discipline.

The historical sketch of reformed discipline has demonstrated that discipline was still in a state of flux and change in the years 1557-1560.

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(1) Works I, p. 300



We have discovered that it was no accident that the two theories noted at the conclusion of Chapter II appeared in the Scottish documents of 1560. We have seen a tendency in other reformed areas to expand the use of the term to include not only censures, but censures plus policy. We have glimpsed the reason for this. In a single "gathered" congregation or city district where problems of order and unity were relatively uninvolved, policy was not the major concern that it inevitably became when raised to a national scale. In the local church the right to exercise the power of the spiritual keys was the comparatively simple matter of holding individual Christians in the will of God by the weekly exercise of censures. Raised to the national level, however, this involved new agents and agencies and the knotty problem of the relationship between church and state. Discipline was thus forced to concern itself far more with general structure and policy. It can hardly be accidental that in Bucer's German and English reformations and in both the French and Scottish movements discipline was raised to a position of central importance in the church and was then defined in terms broad enough to include the whole policy necessary to establish and maintain the church.

An unsettled question in the theory of discipline was just how important the element which later would be termed "polity" ought to be in the exercise of discipline. The Frankfort disruptions (just two years before the first Book of Discipline) had made Knox aware of the importance of arriving at a form of government in discipline which would be loyal to the concept of

authority resting in the "whole church" and at the same time efficient enough to make discipline work at the congregational level, and effective enough to establish it on a national scale. Yet, like Calvin, Knox was aware that polity (or even policy) should never become sacrosanct (as state clearly in the 1560 Confession of Faith).

The first Book of Discipline did not outline a full national polity in discipline, leaving this intricate question open for a protestant parliament to complete. It is little wonder, then, that the parliament of 1560 found it impossible, on very reasonable grounds, immediately to accept the Book of Discipline. Not only were the moral demands such that many feared that Scotland was "not yet fit to receive any such burden,"<sup>(1)</sup> but the definition and scope of discipline was not universally agreed upon, and, in addition, the Scottish ecclesiastical polity was incomplete in the Book of Discipline. There was no choice but to refuse to make the book the law of the land.<sup>(2)</sup>

These undecided issues direct our search into the third phase of the history of sixteenth century discipline--into the period of the national establishment of discipline (1557-1592). The struggle with Scottish magistrates to establish reformed discipline led to further major changes in theory. Discipline moved beyond its simplest definition as "censures," and even away from the broader "censures plus policy," into the narrow, fixed, controversial, sacrosanct "polity."

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(1) Letter from Randolph to Cecil, 6 Feb. 1560-61, Scottish Papers, p. 512

(2) Cf. *infra* pp. 123 et seq. for fuller treatment of the unresolved politico-religious tensions in the Book of Discipline.

## Chapter IV

### THE SCOTTISH MAGISTRATE (a)

The two greatest determining factors in the forming of Scottish discipline were the protestant reformation and Scottish magistrates. We come now to the latter. This chapter will deal with the period dominated by the Knoxian strategy of discipline: the years 1560 to 1574.

Christianity has always had serious difficulty coming down to earth: i. e., in adjusting to the dynamic tension which must always exist between its spiritual, Christ-centered, Word-guided, sacramental fellowship, and the realities of this-world existence and human institutions. Catholics and protestants alike agreed that a drastic readjustment was needed in Scotland. Catholics were eager to find this readjustment within the structure of the old church. Protestants, on the other hand, in their eagerness to recover the true church, were willing to change political as well as ecclesiastical structures and tended to over-simplify the problems involved and the means by which such problems could be solved.

We have already noted the first step in the sixteenth century protestant adjustment: a revised visible church which was a very serious attempt to clothe the Word with a pure sacramental fellowship and a genuine spiritual community. The means to this end, as evidenced by the preceding chapters, was ecclesiastical discipline--a system of censures and correction derived from the New Testament via continental and English divines. By this every



member of the church was to be admonished and supported in his individual, daily Christian life, and the whole church was to be knit together into one body.

The second and more complex step in the reformation adjustment was a determination (by no means consistently shared by all, or even a majority of the Anglo-phil reformed party of Scotland) to secure a real and complete identification of the "Trew Kirk" with the life of the nation. In other words, Scotland was to become a "Reformeit Commonwealth."<sup>(1)</sup> To the more zealous reformers this meant that the civil and ecclesiastical communities had to be identified and the ministries of the word and sword coordinated.

#### i The Godly Prince

The theory behind this identification was not new. Though the reformers by 1560 had labelled the pre-reformation church as "anti-Christ," utterly contaminated and to be abhorred, yet they were working against a background of real (if fallen) Christendom for which they could well have been more grateful. The reformers were operating in a basic pattern of church-state relationship already accepted in Scotland. For generations the uneasy tension between church and state had been carried by the inclusion of the clergy as one of the three estates, and by the insistence of the crown upon having a voice in the church.<sup>(2)</sup>

The two communities were also identified in that in Scotland (as in most of Europe in the sixteenth century) almost every citizen was a baptized person.

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(1) Works II, p. 91

(2) Statuta Ecclesiae Scoticae, Tom. I, p. liii

The reformers did not wish to lose this identity of church and community, nor the pre-reformation synthesis of civil and ecclesiastical jurisdictions.<sup>(1)</sup> What was new in the adjustment was the kind of church to which the reformers demanded that the state (and every citizen in it) adjust. No longer were baptism and ritualistic conformity to be sufficient for membership in the church and community; nor was doctrinal subscription alone sufficient. Members of the reformed church and commonwealth now were required to manifest their sincerity of doctrine and sacramental participation by a consistent moral and religious life measured by a strict Biblical standard.

There was no real precedent for this process on a national scale in 1560. Though projected by Bucer in Germany and England, and though hoped for by the French, a nation under protestant discipline was still only theory in 1560. The reformers were attempting an enormous leap in their demands of parliament and the nation. It must be remembered that their pattern for the reformed Scottish nation was the intimate, spiritual, congregational fellowships of the French congregation of Valerand Poullain, or a'Lasco's German church, or Knox's own congregation of English refugees. In each case, the isolated, communal life lived in a daily atmosphere of corporate worship and composed of people whose very reason for being refugees was their zeal in the reformed faith, could hardly have been farther removed

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(1) Though their attempts to clarify, distinguish and modify the two jurisdictions led to serious problems.

from the actual circumstances of the vast majority of people in almost every community in Scotland. Even Geneva, where the coordination of civil and ecclesiastical jurisdictions in discipline had so impressed Knox, could thank the large number of foreign religious refugees for making such a theocracy possible. <sup>(1)</sup>

But, in the zeal and fervor of 1560, the Scottish reformers believed the leap could be made, and the means to this ambitious end was the first Book of Discipline. For them, the direction for adjustment could not be the easy way of Catholic compromise. The obvious answer, therefore, was the immense task of attempting to bring the whole nation under ecclesiastical discipline: "To discipline must all estaitis within this Realme be subject yf they offend, alsweil the Reullaris as thay that are reulit; yea and the Preachearis thame selfis, alsweill as the poorest within the Church." <sup>(2)</sup> But where could effective power be found to put such a program into operation?

Obviously, the power lay in the hands of the "Reullaris." For discipline to be effective in every community and over the entire nation, the civil authorities (whether prince, parliament, or lesser magistrates) would need to cooperate. These magistrates must be "godly" (in the protestant definition of the term), and must take their places within the church. They must give hearty support to discipline. Already we have noted that this was the clear teaching in both the Liturgy and the Book of Discipline. <sup>(3)</sup>

(1) Works V, p. 212 et seq.

(2) Ibid. II, p. 233

(3) Supra, pp. 39, 47



This doctrine rested on good reformation authority. In the preface to De Regno Christi Bucer made it clear to the godly young Edward VI that the ruler must support the church and discipline.<sup>(1)</sup> Bullinger agreed that the magistrate must be "in the church."<sup>(2)</sup> Calvin, who developed the distinction between civil and ecclesiastical offices and powers more precisely than Bullinger, was emphatic in his approval of Ambrose: "A good emperor is within the church, not above the church."<sup>(3)</sup> A'Lasco, having worked his experiment under the royal license of a "godly magistrate," taught that "le magistrat donc, est ministre du glaive en l'Eglise de Christ ne plus ne moins que les Docteurs & Pasteurs..."<sup>(4)</sup> In fact, for a'Lasco, the relationship of the work of the magistrate was so closely united with the discipline of the church that he actually called it "une partie de la discipline ecclesiastique."<sup>(5)</sup>

Such a coordination of authority seemed perfectly feasible to Knox. In his exhortation to England (printed in 1559) he outlined the mutual civil-ecclesiastical relationship and responsibility in discipline:

...as touching execution of discipline, that must be done in everie citie and shire where the magistrates and ministers are joyned together (which is a thing easie to be done), without any respect of persons; so that the ministers, albeit they lack...glorious titles... and...develish pompe...yet must they be so stowte...that yf the King himself wolde usurpe any other authoritie in God's religion, than becomes a membre of Christ's body, that first he be admonished according to God's Worde; and after, yf he contemne the same, be subject to the yoke of discipline...<sup>(6)</sup>

(1) Preface, 1577 Basel Edition

(2) Decade II, p. 509

(3) Institutes II, p. 489

(4) Forme et Maniere, p. 105

(5) Ibid., This is very close to the thought of the Liturgy, Supra, p. 39

(6) Works V, p. 519

Yet, in practice, especially with the chief magistrates, this joining together of ministers and civil authority was anything but "a thing easie to be done." By 1560 Knox had dealt unsuccessfully with two "ungodly" Marys (Mary of Lorraine, and Mary Tudor), and in that year a third such catholic Mary was the reigning Queen of Scotland. More and more the reformers were forced to develop a strategy by which a lawful, protestant civil power could be brought to the support of their discipline. The appeal to the strong middle class burgh magistrates, and the development of the general assembly will be seen to be the core of this strategy.

But how could protestants justify disobedience to catholic magistrates? Questions about responsibilities of protestants to catholic rulers had been paramount in Knox's mind since 1554 when he had addressed these issues to Swiss divines.<sup>(1)</sup> The continental reformers, with their high doctrine of the divine nature of civil authority, recommended the greatest care in these matters, and, at most, passive resistance. Knox, however, insisted upon moving beyond his continental and English contemporaries.

All authority quhilk God hath established is good and perfyte, and is to be obeyed of all men... But do ye nocht understand, that there is a great difference betuix the authoritie quhiche is Goddis ordinance and the personis of those whiche ar placit in authoritie... If ye obey the unjust commandimentis of wicked rewlaris, ye sall suffer Goddis vengeance and just punishment with thame. <sup>(2)</sup>

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(1) Works II, pp. 217 et seq.

(2) Ibid. I, pp. 331-2; cf. I, p. 272

In this revolutionary appeal to the nobility of Scotland Knox was joined by Christopher Goodman and John Willock. The logical conclusion of their doctrine of the rights and duties of lesser magistrates was the justification for rebellion. This was the unmistakable meaning of Willock's comment that "God did not always use his immediat power, but sometimes he used other meanes, which His wisdom thought good, and justice approved."<sup>(1)</sup>

In theory, once a godly magistracy was established at the local and national levels there should be no unbearable tensions between the ecclesiastical authorities and the civil community. In such a protestant state, subjects could readily obey the commands of a godly king, and criticism of the king by proper church officers would not be sedition but the normal operation of discipline--the brotherly admonition and censure necessary to keep the magistrate in his God-given office.

This was the goal toward which the reformers moved in 1560. But problems were enormous. The queen was catholic and had French tastes. She was not likely to agree that strict discipline be allowed, and less likely to subscribe to it herself. The gulf between the standard demanded by the reformers and the actual conditions in Scotland was very wide. Then, too, the new reformed policy with its simplified ministry barred from civil office did not fit the scheme of the three estates.

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(1) Calderwood I, p. 540; cf. J. W. Allen, Political Thought in the Sixteenth Century, pp. 103 et seq. Under the chapter title "The Break from Calvin," Allen supports his belief that justification for rebellion against magistrates can be traced to Magdeburg, Germany when, in April, 1550, a tract was published entitled Bekenntnis Unterricht und Vermanung der Pfarrherrn und Prediger der Christlichen Kirchen zu Magdeburg. Allen believes that this tract (which was the city's stubborn defence against the Interim of 1548) lies behind the revolutionary theories of both Knox and Goodman.



Yet, in spite of these problems, the reformers were optimistic. In 1560 the queen was young and absent from Scotland. The reformed party was on the winning side in the battle between England and France. And of greatest importance was the fact that within Scotland the Lords of the Congregation had "sufficient power in thair handis." With this protestant magistracy the reformed church was established, and discipline was the next step. The Book of Discipline was presented to parliament as the key-stone in the arch of reformation strategy. It optimistically invited the closest possible union between civil and ecclesiastical jurisdictions. We have noted that it was not a finished policy or polity, but it was a very strong beginning, and an emphatic invitation to parliament to unite with the leaders of the church in a program to reduce Scotland to discipline.

With this foundation, we are prepared to trace the development of the theory and practice of discipline in the forty years following the reformation. We find that this period can be divided into two eras: (1) 1560 to 1574 which we can call the era of Knoxian strategy; and (2) 1575 to 1592 (and following), the era of Melvillian policy. Let us watch the Knoxian strategy as it evolved.<sup>(1)</sup>

The word "strategy" is used advisedly. In 1560 (and before) the reformers were following a strategy of total national reformation. The Book

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- (1) The concern of this chapter is only the broad, general strategy of discipline as it faced the political and social realities of the local, regional and national Scottish communities, and experimented to find an effective policy. This chapter deliberately avoids a close study of the practice of discipline within the church either on the kirk-session level (Chapter VI) or on the level of national courts (Chapter VII).

of Discipline presented a broad and balanced policy directed toward spiritual and moral reform. Matters of particular polity were not uppermost in the minds of the authors.<sup>(1)</sup> Later students have been overly eager to prove either that the original reformers were presbyterian,<sup>(2)</sup> or to disprove this claim by showing them to lean toward episcopacy.<sup>(3)</sup>

Since the Book of Discipline was not intended primarily as a treatise on church government, students of this subject ought to use great care. The book does give instruction concerning the organization of the local congregation which is complementary to the pattern of congregational structure set forth in the Liturgy. The book also emphasizes organization at the level of the synod or diocese. Yet almost nothing is said about national ecclesiastical structure.

This incompleteness in matters of government should not be judged against the book or its authors. In 1560, ecclesiastical government separated from civil government was unthinkable. Matters of polity were of increasing importance within the national church, but belonged to the larger context of structure which had to be worked out in conjunction with the civil power. Again we must remember that church government was not the chief end in 1560 (as, unfortunately, it soon became). The goal was a reformed commonwealth.

Therefore it ought to be clearly stressed that the Book of Discipline and the Knoxian strategy were neither purely presbyterian nor episcopal. The book had elements common to both and was too incomplete to satisfy either.

(1) Supra, p. 42

(2) Macgregor, op. cit., p. 21

(3) Spottiswoode, History, preface, lxi

This accounts, I believe, for the endless controversy that has centered about the book and the early years of the Scottish church. <sup>(1)</sup> It is far truer to the facts to recognize simply that the Book of Discipline was a serious and determined step in the initial strategy of the reformers moving toward goals much higher than ecclesiastical government.

Four of the major goals were: (1) to remain loyal to the reformed church regarding the marks and the ministry; (2) to bring the entire nation under moral discipline; (3) to discover (with the civil authority) a policy (and a polity) which would facilitate the emergence of the spiritual nation; and (4) to secure adequate civil power to insure the rule of Christ in Scotland. It was toward these ends that the total strategy of the reformers was moving. We can view their successes and failures at three levels and in chronological order.

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(1) It seems to me that Miss Macgregor falls into error in her basic premise that "the main distinguishing principle of the presbyterian form of church government" is "the distinctive type of eldership of the Genevan church." On this foundation she maintains that "the first application of presbyterian principles of church government in Scotland appears when Knox and Willock had become predominant in the Scottish movement." (op.cit., pp. 28, and 131) We grant that the eldership is the "mark" characteristic of presbyterianism, but it can hardly be called "distinguishing," because the eldership was not only in use in all other reformed churches with a variety of polities, before, during, and after 1560, but it was retained during the 16th and 17th century Scottish episcopacy as a valid and useful court of local church jurisdiction and administration. (Source Book III, p. 89) It cannot be said, then, that the eldership is a peculiarly presbyterian institution. The difference between episcopacy and presbytery (and between Knox and Melville) is superiority versus parity.



## ii Discipline in the Local Burgh

The first step in the reformers' strategy was the capture of the chief burghs. This initial phase was being pushed with zeal before 1560 and furnished the foundation upon which all later reformation on the diocesan and national levels was carried forward. The pattern for "reducing" a burgh to discipline followed three steps: (1) the election of church officers and the erection of a "owklie ...conventioun and assembleie;"<sup>(1)</sup> (2) the securing of effective power by a direct alliance of ministers and magistrates; and (3) forcing the entire community "under the discipline of the kirk."

Leaving the actual "process of discipline" until later, with the few available printed records at our disposal, let us reconstruct a picture of the early disciplining of the chief towns.

It is interesting that the only two extant session records of the earliest protestant period<sup>(2)</sup> are records of two churches of which Adam Heriot was a pioneer minister. Because of the immense contribution in practical reformation made by Heriot first at St. Andrews,<sup>(3)</sup> then at Aberdeen<sup>(4)</sup>

(1) Selections from the Records of Kirk Session, Presbytery, and Synod of Aberdeen, p. 4

(2) Out of the fifteen 16th century records or partial records of Kirk sessions, only five are published (with some being only selections). The complete list of all records can be found in The Sources and Literature of Scots Law (Stair Society), 1936, pp. 157 et seq. The published records appear in the bibliography. Further glimpses of discipline may be caught in the Book of the Universal Kirk, Knox's History, Extracts from the Records of the Burgh of Edinburgh, and from later works on discipline by Story, Clark, etc.

(3) SAKSR, p. viii

(4) Aberdeen Record, p. 3

(two of the strategic points in the national reformation), it would appear that he has not been rated high enough among the Scottish reformers. We wish we knew more of the life of this man. It is probable that before the reformation Heriot was an Augustinian canon in St. Andrews. Hay Fleming (on Spottiswood's authority) notes that he was "an eloquent preacher, and well seen in scholastic divinity, probably being one of those canons who made 'notable confessions' at St. Andrews before 23rd June, 1559." After fourteen years at Aberdeen, Heriot died in the year 1574.<sup>(1)</sup> Spottiswood sums up his influence in these words: "Neither did he fail the hope conceived of him, for by his diligence in teaching both in the schools and church he did gain all that people to the profession of the truth."<sup>(2)</sup>

Records of the initial organization of discipline in the church of Aberdeen give us clear insight into the dynamic adjustment between the church and the burgh community. Though the Aberdeen organization did not take place until November 1562, we can assume that (with varying detail)<sup>(3)</sup> the strategy was substantially the same as that followed in towns previously "brought to perfection." The record itself confirms this fact in stating that the punishment of offenders was being carried out "according to the ordour off uder reformat townis."<sup>(4)</sup>

On an undesignated day in November of 1562 the election of elders and deacons occurred in Aberdeen: they were "namit and pronuncit be the minister...admittit be the haill congregation..."<sup>(5)</sup> The men met and

(1) SAKSR, p. 3, note

(2) History II, pp. 197-8

(3) Such variations were permitted by the Book of Discipline. Works II, p. 234

(4) Aberdeen Record, p. 10

(5) Ibid., p. 3

"appointed Thurisday, owklie, to be the day of thair convention and assemblie in the chapter hous... immediately after the preching befoir none." The purpose of the meeting was clearly stated: "To trye, discusse and examyn all faltis and offencis, alswil of thamselvis as off the haill inhabitantis off the burgh that reformatioun and ammdement may be had as Goddis blessit word requiris."<sup>(1)</sup>

What "Goddis blessit word requiris" was defined by the assembly of elders on 10th December, 1562:

(God's) hevinlie will (is) to be found and persawit in his most holy Ten Commandments geven to Moyses... quhairin is contenit all quhat he willeth his peple to do, and quhat to liff undone. (Since) the haill scriptur of God... tend and shote at this scope and mark... thai hawe devisit, statute, and ordanit certane actis and statutis, as the spreite of God for this present hes gevin tham, for mantenans of gud manneris and extirpatioun off wyce owt of this burgh... (2)

Then followed a list of sins and crimes each catalogued conveniently under one of the ten commandments, and each bearing an appropriate "fine" or "pane." Later we will see that this practice betrayed the spiritual theory of discipline.

How was the session to achieve sufficient power to put such a sweeping program of Scriptural reform into practice--to bring "the

(1) Aberdeen Record, p. 4. The terms used to designate this weekly meeting varied in Scotland. We find "convention," "assembly," "session," "consistory." Calvin preferred "consistory." A'Lasco used the Latin "coetus" translated into French as "assemblie." The Book of Discipline makes passing references to the "ministrie" and their "consistorie." (Works II, pp. 229-30)

(2) Aberdeen Record, pp. 4, 5



haill inhabitantis" under discipline? Significantly heading the list of elders and deacons, but in a place apart and paralleling the name of "Adam Heriot, Minister," was another important name and title: "Provost, Thomas Menzies."<sup>(1)</sup>

When we begin to trace the activities of chief magistrate, Menzies, we conclude that he was one of the prime forces in the reformation of Aberdeen. We can guess that he was one of the "Commissionaris of Bruchis"<sup>(2)</sup> who, Knox tells us, met in 1560 to distribute ministers through the country. At least it was at this July meeting that Heriot was moved from St. Andrews to Aberdeen, and we know that Menzies was active in the councils of the national church before 1562.<sup>(3)</sup> It would appear, therefore, that the program of community discipline in Aberdeen moved along with the full civil support and a close coordination of the ministries of word and sword. Evidently Menzies, the provost, must have considered himself automatically, by virtue of his civil office, a minister of discipline within the church. Perhaps at this level Knox was right: to bring the magistrate and minister together was "a thing easie to be done."

There can be no doubt that the support of these wealthy merchants in whose hands the burgh government largely rested accounted in large part for the success of the reformation not only at the local level, but at the

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(1) Aberdeen Record, p. 3

(2) Works II, p. 87

(3) B.U.K. I, p. 10. Menzies was deemed powerful enough in May 1561 to serve on a lay commission to present a supplication of the Lords of Secret Council "tuitching the suppression of idolatrie."

national level as well. Their power was a real threat to the crown and to parliament. "In the fifteenth and sixteenth centuries the merchants... gradually acquired...complete control of burghal government."<sup>(1)</sup>

Of special interest in relation to the provost of Aberdeen is the "complaint...made in 1590 against the 'unlauchful usurpation' of the magistracy of the burgh by 'the race of Menzeissis' whereby the burgh was 'thrallit to serve ane raice of pepill.'"<sup>(2)</sup>

This coordinate jurisdiction of elders and magistrates was certainly the pattern for the disciplining of all reformed towns. St. Andrews, as early as 1559, had civil officers sitting in the kirk session. Two "balies" (Thomas Balfour and George Brown) were noted in the record with their civil offices specified.<sup>(3)</sup>

Dr. Hay Fleming suggests that perhaps through carelessness the early church courts "apparently usurped civil authority," and asks: "Were the civil and ecclesiastical jurisdictions confounded?"<sup>(4)</sup> It was hardly carelessness which led to the very close relationship of the two jurisdictions. Nor was it an ignorant confounding, but rather a very deliberate compounding of the two ministries which was the basic strategy of the early reformers.

In October of 1595, the session of St. Andrews reaffirmed acts concerning discipline made during the previous years. The coordinate

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(1) Source Book II, p. 199

(2) Ibid., p. 200, n. 1

(3) SAKSR pp. 3, 4, 5

(4) Ibid., I, p. liv

jurisdiction is suggested by the title of these acts: "Actis and statutis appointit indifferantlie to all the membris of this congregatioun, to the end that Godlines may be mentenit and syn punisit, maid of auld, be advise of Provest, bailieis, counsall, ministrie and sessioun of St. Andrews..."<sup>(1)</sup> An even more striking reference is an entry in the minutes of the Kirk Session of Glasgow dated 4th October, 1599. It was enacted by the Generall Session "that whosoever shall be chosen Provest or Bailays after this shall be enrolled to be elders of the Kirk for the year to come."<sup>(2)</sup>

The very close connection of the two jurisdictions was not meant to erase distinctions which were at least maintained in theory: For example, an order was given by the session of St. Andrews in 1560 to two persons

to be fraternalie corrected, efter ecclesiasticall disciplyne, and supplicatioun to be directit to the ballies and civile magistrates, for forthir correctioun civile to be put to the saidis personeis, and process deduced in the consistory extracted and send to the saidis magistrates... (3)

Practice, however, does not indicate very clear distinction of function. In Edinburgh the ministers and council worked together so closely that on 6th May, 1560, John Hamilton

for refusing, on being ordered by a bailie, to be put to 'warde' for non payment of his extent, was ordained 'to cum in presens of the precher, efter the sermon on Sounday nixttocum, and thair declair his falt and ask the hail peple forgifnes for the sklander.'<sup>(4)</sup>

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(1) SAKSR II, p. 807

(2) Quoted by Andrew Macgeorge in Story's The Church of Scotland Past and Present, V, pp. 66-7

(3) SAKSR I, p. 36

(4) Extracts from the Records of the Burgh of Edinburgh, p. 63



A possible relation of the Council of Edinburgh to the Book of Discipline appears in the council record. The council approved "articles" and appointed a commission to present and to explain them to the Parliament of 1560.

The prouest baillies counsale and dekynnis foresaid, efter the reding of the articles to be gevin in this present parliament... all in ane voce granttis and apprevis the samin to be inventit and devisit conforme and agreing with Goddis trew ordinance for the trew religioun... and for presenting and explanyng of the samyn in this present parliament hes nominat constitute and ordanit Archibald Douglas ..Provest, James Barroun...Richert Strang and David Forster, thair commissaris in this parliament. (1)

These articles may have been the Book of Discipline. If so, there is here a hint of the growing strength of the burghal magistrates in the political life of the sixteenth century as well as of their participation in the strategy of reformation.

Such close cooperation between the merchant-magistrates and the kirk sessions to force the populace under discipline brought repercussions. In Edinburgh, near the end of November, 1560 a serious test arose. John Sanderson "deikin of the fleschouris was decerned to be cairttit throuch the toun and thair efter banischit the samyn for his manifest adulterie." (2) This brought a threat from "the hale dekynnis of craftis...that on na wayis thay wald appreve the samyn nor na sick extreme lawis upoun honest craftsmen." (3) It was not idle threat. Knox tells us that "the raschall multitude, enflambit

(1) Records of Burgh of Edinburgh, pp. 70, 71. 1 August, 1560

(2) Ibid., p. 89. Knox's view of this punishment was that "albeit this wes nott the severitie of Goddis law (death)...yet wes it a greit brydill to malefactouris; quhairat the wickit did wonderouslie storme."  
(Works II, p. 155)

(3) Ibid., p. 90

be some ungodlie craftismen, maid insurrectioun, brake the carte, boistit the officiaries and tuke away the malifactor. This was the begyn- ing of farther evillis...<sup>(1)</sup> The result was compromise on the part of the council: "The Provost and Baillies wer compellit to gif thair handwrittis, that thai suld never persue onie of thame that war of that tumult."<sup>(2)</sup> But the church stood firm: "The haill multitude wes hald in excummunicat, and war admittit to no participatioun of the sacramentis, unto suche tyme as thai satisfied the magistratis, and maid humble sute unto the Kirk."<sup>(3)</sup>

In spite of these obstacles, however, the strategy of capturing the chief towns during the first years of the reformation seems to have achieved startling results considering the sixteenth century background. On 20th June, 1560, Randolph wrote to England: "It is almost miraculous to see how the Word of God takes place in Scotland. They are better willing to receive discipline than in any country (I) was ever in."<sup>(4)</sup>

In the introduction to the fourth book of his History, Knox Summarized the achievements of the first year of reformation in the burghs with some embellishment, no doubt

...In how great puritie God did establishe amanges us his true Religioun, alsweall in doctrine as in ceremonyes...and as concerning the suppressing of vice, yea, and of the abolishing of all suche thingis as myght nureise impietie within the Realme, the actes and statutis of the principale Townes reformat will yitt testifie: For what adulterer, what fornicatour, what knawin

(1) Works II, pp. 155-6; cf. Burgh Records, pp. 107-8

(2) Burgh Records, p. 94 Works II, p. 160

(3) Works II, p. 160

(4) Calendar of Scottish Papers I, pp. 429-30

messemongare, or pestilent Papist, durst have been seen in publict, within any reformed town within this Realme, befor that the Quene arryved? (1)

It was this powerful, effective, coordinate relationship between the kirk-sessions and "godly" magistrates which was the foundation strategy of discipline and reformation--a conjunction which stood as a threat to, and leverage against higher civil power. The records of Edinburgh evidence the strain which grew between Queen Mary and the Council of Edinburgh, and demonstrates the Queen's determination to break discipline in the burghs. After the queen had interfered with the city's stringent reformation laws and government, the council braced itself with the following ordinance:

...fra this furth thair sall nane bruke office within this burgh of provest, baillies, dene of gild, thesaurer, counsalour, dekyn of craft, nor uther office, bot sick as hes adionit thame to the trew kirk of God and congregatioun, and hes communicat with bayth sacramentis, and hes submittit thameselffis under discipline, and gyf ony uther beis chosin, nocht onlie sic to be deprivit bot the electerris and chesaris of thame with thame selffis to be punissit with rigour as manifest contempnaris of all gude and godlie ordour. (2)

The deletion of this act, following a resolution made 27th January, 1563, bore this marginal note eloquent of the Queen's wrath: "The Magistrates ordanis the act efter following to be deletit at the Quenis maiesteis command for eschewing of hir anger."<sup>(3)</sup> The Queen's anger and determination were measures of the success and strength of the coordinate ministries of word and sword at the burgh level. This pattern of bringing

(1) Works II, pp. 263-4, The Queen arrived 19th August 1561 (Ibid., p. 267)

(2) Burgh Records, p. 141

(3) Ibid.,



reformation through the establishment of discipline in the burghs proved effective and furnished the needed foundation upon which to erect a larger structure.

### iii Regional Expansion and Coordination in Discipline

The second phase and level of reformation strategy was expansion into a regional or diocesan structure. We have observed that it was to this problem that the writers of the first Book of Discipline largely addressed themselves.

Having once captured the chief towns, and using these as bases of learning and discipline, the reformers moved on into a rapid program of missionary expansion. As noted in Chapter II, this strategy was to consist of a combination of two instruments: the office of superintendent, and diocesan courts or assemblies (either the assembly of the chief town known as the superintendent's council, or the wider synodical assembly.)

A further element in the strategy was the gaining of the support of parliament for these regional officers and courts. This was in keeping with the desired compounding of the civil and ecclesiastical jurisdictions, and explains the urgency connected with the pressure brought to bear by the reformers upon parliament in August 1560.

Knox reported the early events by which the new diocesan scheme was put into practice: the Lords of the Congregation and commissioners from burghs convened "to see the equall distribution of ministeris, to change and transport as the maist part sauld think expedient," and "to nominat superintendants."<sup>(1)</sup> Optimistic zeal was determined to execute the diocesan program of reformation

The "transporting" of ministers is most interesting. We note a careful matching of key men to key towns with discipline and the office of superintendent in mind. The two Geneva-trained disciplinarians, Knox and Christopher Goodman,<sup>(2)</sup> were given stationary positions in the two great strongholds--Edinburgh and St. Andrews.<sup>(3)</sup> The third disciplinarian (trained in the school of a Lasco in England and Friesland) was the revolutionary John Willock who was assigned the superintendency of Glasgow (another university center, former archbishopric, and key to the west).<sup>(4)</sup> Adam Heriot, noted for learning, and with practical experience in discipline, was transferred to the university city of Aberdeen, a vital key to the north. In like manner, Paul Methven, who had accomplished a similar service in the reformation of Dundee, was moved to Jedburgh in the south. It seems probable that both Heriot and Methven were intended to become superintendents

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(1) Works II, p. 87, Probably about 20th July.

(2) Knox's assistant minister in the English church at Geneva.

(3) These two names head Knox's list. Works II, p. 87

(4) Ibid.

later after the towns of Aberdeen and Jedburgh had been fully reformed and adequate funds had been secured.<sup>(1)</sup>

To increase their strength in the difficult north and west, two strong, local men were assigned. The high-born, congenial and always useful John Erskin of Dun was established in the thankless superintendency of his native Mearns, while John Carswell was assigned to Argyle and the Isles. The two important superintendencies of Lothian and Fife were assigned to men with local connections--John Spottiswoode, and John Winram, two framers of the Book of Discipline.<sup>(2)</sup> Considering the men, the towns, and discipline, this was indeed an excellent settlement.

The original importance of the office of superintendent in Scotland has been doubted frequently. The judgment of some has been that Knox and the framers of the Book of Discipline themselves minimized the office and intended it to be only a transition to later presbyterianism.<sup>(3)</sup>

The evidence to refute this claim will appear in Chapter VII, but it can be confidently asserted here that the office of the reformed superintendent was no temporary, Scottish expedient. It was no new nor strange office to the reformation in the year 1560 having been familiar in Germany, Switzerland, Friesland, England and France. As we have noted and will see again, the Scottish reformers were leaning heavily on the a'Lascan Forma

(1) Works II, pp. 203-4. Heriot was among the candidates proposed for the superintendency of Aberdeen, 29th Dec., 1562 (B.U.K. I, p. 27). Methven might have enjoyed a similar nomination had a rumor not come to assembly that he, himself was in need of discipline! (Ibid., p. 29)

(2) Works II, p. 87

(3) This view was developed during the presbyterian-episcopal controversy of the 17th century. Presbyterians minimized the office as temporary; episcopalians made it synonymous with the bishop's office. Neither of these interpretations is based on evidence in the first Book of Discipline: the office of superintendent originally was meant to be permanent, but it was significantly different from prelacy.



where the superintendent's office was central and projected to meet circumstances in England similar to those in Scotland. In both the a'Lascan and Scottish orders, the office was combined with assemblies of elders and ministers and was intended to be coordinated with a monarchical type of civil government. The office of superintendent attempted to combine superiority of ability and administrative function with an equality of legislative and judicial power. The superintendents were to share with all other teaching and ruling elders in the assemblies. It is probable that, both in theory and practice, this reformed office was on a par with the prereformation bishop's office in dignity.

The diocesan program actually began to function with the election of John Spottiswoode in Edinburgh, 9th March, 1561,<sup>(1)</sup> and the election of John Winram in St. Andrews, 13th April.<sup>(2)</sup> Presumably the remaining three superintendents were regularly elected and installed in office because they were all present in the General Convention of June 1562<sup>(3)</sup> when a question arose as to whether bishop Alexander Gordon (who wished the superintendency of Galloway) had "observed the order kept in the election of superintendents."<sup>(4)</sup>

The functions of the superintendents within the church will be considered later; here we are concerned to see their role in the strategy of relating

(1) Works II, p. 144, note 3

(2) SAKSR I, p. 73. Fortunately the Register of St. Andrews is at once the kirk-session record and the record of the court of John Winram during the eleven years as superintendent of Fife.

(3) B.U.K. I, p. 13

(4) Ibid., p. 15

the church to the civil community. In this the superintendents were intended to play a primary role...a role curtailed only by lack of legal sanction and support. Like the sessions of the reforming towns, the superintendents and their assemblies needed power to carry out their ecclesiastical mandates. This was lacking to a great degree.

John Winram, in the December, 1563 assembly, complained (when charged with negligence in office by diverse "brethren of Fyfe") "that some of these things layed to his charge lay not in his power to ammend."<sup>(1)</sup> From the very beginning this diocesan program was thus crippled. When the Book of Discipline was rejected there was no legal support for these chief officers of the church. It is little wonder, then, that the superintendent's office was a thankless one, plagued and handicapped by lack of power.

Denied support from crown and parliament, the superintendents looked for help among the lesser magistrates in the various provinces. In the landward areas, the effective power lay chiefly with the nobility and landholders. There was a real problem here as the following, almost amusing, explanation of his slackness by Erskin of Dun illustrates: in the December 1565 assembly Erskin "alledged...that his visitations could not be very profitable, in respect it behoved him to ledge in time of visitation with his friends for the most part, who had most need of correction and

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(1) B.U.K. I, p. 42-3; cf. SAKSR I, p. 188

discipline."<sup>(1)</sup> These feudal lords were hardly likely to give unqualified support to such an uncompromising, morally inhibiting, Biblical discipline especially when it was not backed by parliament or crown.

Therefore, the chief strength of the superintendent was, again, the "Counsall" of his chief town, and for this the reformed church could thank not only the zeal of the ministers and burgh magistrates who had succeeded in reducing the towns to discipline, but could be grateful as well for the structure of the pre-reformation bishops' courts which had always dealt with public moral and religious offences.<sup>(2)</sup> "With the kirk-session of his chief town, a superintendent constituted a court... which tended to inherit the jurisdiction of the old episcopal courts and was a judicature of the first importance."<sup>(3)</sup>

Archbishop Hamilton of St. Andrews, writing to the Archbishop of Glasgow on 18th August, 1560, gave an eye-witness report of the absorption of their jurisdictions: "...the elderis callit of every toun takis all the causis of our ecclesiastical jurisdiction, and intromettis with all office; quhilk ze man luke to."<sup>(4)</sup>

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(1) B.U.K. I, p. 65

(2) Clark, op. cit., p. 63

(3) Dr. Gordon Donaldson, Dumfriesshire and Galloway Natural History and Antiquarian Society. Vol. xxiv, p. 7; English Historical Review, Vol. lx, p. 352. This can be seen from SAKSR, I, p. 42. A year before Winram was installed as supt., the session and minister of St. Andrews were continuing the eccles. jurisdiction in marriage and divorce cases. In a June 1560 entry, they style themselves "The consistoriall court of the minister and eldaris of the said cietie" and assume the right to "interpone there decrete and ordinar autorite." (Ibid., p. 42; cf. Clark, op. cit., p. 57)

(4) Keith, History, III, p. 5



The authority of the superintendent and his council to exercise this function seems to have gone unchallenged until the dark period of 1565-6 when, in St. Andrews, an open charge was made against the session "as jugis incompetent."<sup>(1)</sup> This was the inevitable result of the loss of prestige and power which the superintendents and their councils suffered after the erection by Queen Mary of new consistorial courts in February 1563/4.<sup>(2)</sup>

The office of superintendent was further weakened by a lack of enthusiastic support from fellow-ministers within the church. In June 1562 it was already necessary to remind ministers that "they must be subject to correction...if they be disobedient to superintendents in anything belonging to edification."<sup>(3)</sup> Though it was a regular canon of assembly procedure and an important part of the theory of discipline for superintendents, yet it must have been humiliating for these men in high office not to have real support from other ministers, and also to be complained against by inferior clergy for problems and practices not in their power to correct.<sup>(4)</sup> It is little wonder that they soon asked to be allowed to demit their offices.<sup>(5)</sup>

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(1) SAKSR I, p. 267

(2) See appendix, p. 263 for further evidence of the relationship of the church and the new consistorial courts.

(3) B.U.K. I, p. 14

(4) Typical of the complaints are the following against Erskine of Dun in the December 1562 assembly: Admitting "popishe preistis" as readers, admitting men to the ministry without trial "required in the Book of Discipline," "Gentilmen of vitious lives wer chosen to be elders....," "No proper ministerial visitation of the sick or instruction of youth, ministers "resort not to the exercise." B.U.K. I, pp. 25-6

(5) Ibid.

Yet the church was determined to continue the office and civil support was continually requested for the superintendents.<sup>(1)</sup> It was hoped that the original scheme of ten top officers could be completed.<sup>(2)</sup> This was almost accomplished in 1569 after supplication was made to the Regent Moray "that superintendents may be planted through the whole realme, as are already in some parts."<sup>(3)</sup> The favorable answer returned was: "my Lord Regents Grace is content so be done, the persons being Godly and learned."<sup>(4)</sup> But the assassination of the regent interrupted all proceedings and the original Knoxian scheme was never quite completed.

In the meantime, however, the church resorted to the practice of giving "one-year commissions" to ministers to act as "temporary superintendents."<sup>(5)</sup> Three such commissions were conveniently but carefully given to three reformed, pre-reformation bishops (Galloway, Orkney and Caithness).<sup>(6)</sup> Thus the diocesan structure of the first Book of Discipline could function, and the work of reformation and discipline was carried forward to some degree at least in almost every province of the nation.

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(1) B.U.K. I, pp. 8, 27, 32, 128; cf. A.P.S. iii, pp.37, 11

(2) Ibid., p. 8. In addition to regular matters of government and discipline outlined in the Book of Discipline, the supts. were required to deal with the repair of kirks (B.U.K., I, p. 34), with benefices (Ibid.), with censoring all printed matter (p. 35), examining every minister's library (p. 15), and receiving complaints about stipends (p. 16).

(3) Ibid., p. 146

(4) Ibid., p. 148

(5) Ibid., p. 27; cf. Calderwood, II, p. 223

(6) Ibid., p. 32

iv The National Structure for Government and Discipline

What has been said thus far concerning the structure of the reformed church at both the local and diocesan levels has involved us in the third stage of the basic strategy of the reformers--national integration. In the last section we moved considerably beyond 1560 to discuss the development of the diocesan strategy. Now we must return to discuss the problems and events out of which a completed national ecclesiastical policy and polity emerged.

The facts in this area can be quickly recapitulated. As the reformers moved to the climax of national reformation and sought an adequate national church structure for effective discipline, they were carried along with what proved to be unwarranted optimism. Their party was temporarily in power in August 1560 and it seemed that they might be able to knit the church and state together on their own terms to make Scotland a disciplined commonwealth.

However, zeal and optimism blinded them to the serious nature of their many problems: the unfamiliarity of the reformed theory of the ministry and discipline to the majority of the nation; the drastic changes necessary to make the scheme fit the three estates; and the moral leap involved.

We have noted that when parliament refused to accept the Book of Discipline there were some very good reasons for doing so. Knox should have been more charitable with the nobility than to account completely for their rejection of the book as fear of losing their "carnall libertie and worldlie commoditie."<sup>(1)</sup>

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(1) Works II, p. 128



But the fact remains that the failure of parliament at this point to take positive action widened the gulf between church and state, set up an uneasy tension (which increased materially when the catholic queen came home), and put the church on the defensive. This had the effect of changing the strategy originally hoped for.

The original national polity desired by the reformers cannot be clearly defined since it was never set forth in any of the early documents. But it seems probable to me that, since almost all the discipline of the office-bearers as well as members of the entire church already had been delegated to diocesan courts (leaving only matters of transferring superintendents and finance to "the whole counsell of the Church")<sup>(1)</sup> that a minimum of national structure was originally deemed necessary. This assumed, of course, that the crown and parliament would enthusiastically support the reformed faith and discipline. Knox, writing to England, had already made clear that a large or involved national church-state machinery ought not be required: "...as touching (ministers') yearly commynge to the Parliament, for matters of religion, it shalbe superfluous and vaine; yf God's true religion be so once established, that after it be never called in controversie."<sup>(2)</sup> Quite possibly it was the original desire of the reformers (if the parliament proved trustworthy from their point of view) that a liason council of the superintendents might form the "Counsell of the Church."<sup>(3)</sup> This had a contemporary precedent in the original French "Confession de Foy."<sup>(4)</sup> Such an intention

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(1) Works II, p. 208. The phrase "the whole counsell of the Church" does not necessarily refer to a central organ. The context here suggest that it might refer to the superintendent's diocesan council.

(2) Ibid. V, p. 59

(3) Supra, p. 84

(4) Ibid.

is substantiated to some extent by the continued demands of the church for civil support for the office of superintendent, and by the fact that four of the five superintendents were, in 1562, commissioned (with a lawyer) to work with the Lords of Secret Council on matters of jurisdiction.<sup>(1)</sup> It is important to note also that even after the general assembly began to take recognisable shape in June 1562, it was ordained "that no minister leave his flocke for coming to...assembly, except he had complaints to make, or else be complained on, or at least be warned thairto be the superintendent."<sup>(2)</sup> These facts suggest that not only were the superintendents key figures in the national assemblies, but that, indeed, they were thought (in the early years at least) to be the permanent core around which the national church revolved.

Whatever the original plan and hope of the reformers, the strategy began to change in August 1560 when the church and parliament were unable to reach the anticipated common agreement.<sup>(3)</sup> The inevitable result was a gradual reduction of the importance of the superintendent's office and a concentration of the church's weight upon her assemblies--especially upon the new general assembly whose origins remain so obscure.

Lord Eustace Percy puts the initiation of the general assembly in true perspective when he writes; "In the early years of uncertainty, the

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(1) B.U.K. I, p. 29

(2) Ibid., p. 14; cf. Letter of Glamis to Beza, Source Book 3, p. 20

(3) Calendar of Scottish Papers I, p. 412

Maitland of Lethington, in May 1560, looked forward hopefully to the parliament: "then I think shall ane uniforme ordour be taken by a common agrement..."

central General Assembly...assumed an authority not contemplated in the original scheme."<sup>(1)</sup> W. Croft Dickinson and Dr. Gordon Donaldson have given their carefully studied view of these early Scottish national assemblies:

...the Assembly had been initially a version of the three estates of the realm--barons, burgh commissioners and clergy--and looks like a device to assign to a constitutional organ the ecclesiastical supremacy which could not be exercised by a Roman Catholic queen." (2)

Certainly many of the early assemblies were composed of large numbers of "lesser magistrates" whose aggregate power was a growing threat to parliament. The legality of the church assemblies was often called into question, but the national court did furnish a substitute device and the desired coordination of civil and ecclesiastical persons.

The term "General Assembly" (sometimes referred to as "Convention") was undoubtedly a popular rather than an official designation. Yet there were precedents for this descriptive title. Many of the early kirk-sessions seemed to prefer the term "assembly" to "session" or "consistory." The French translation of the a'Lascan Forma ac Ratio consistently used "l'assemblee." And, more directly, the quarterly meeting of the combined congregations of Edinburgh was referred to as the "Generall Kirk" or the "Generall Assemblay."<sup>(3)</sup> Edinburgh practice would have been particularly influential since the early national meetings were held in that city.<sup>(4)</sup>

It should be pointed out that the development of the national

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(1) John Knox, p. 379

(2) Source Book 3, p. 18

(3) Extracts from the Buik of the Generall Kirk of Edinburgh, Maitland Miscellany, Vol. I, p. 99

(4) cf. Percy, op. cit., p. 351



assembly was not necessarily foreign to the thinking of the original Scottish reformers, though not their first preference. Such an extension of the local and diocesan assemblies to the national level must have seemed the obvious alternative strategy if discipline were not established and whole-heartedly supported by the chief magistrates. This could hardly have been far from the minds of the framers of the Book of Discipline as one possible necessary definition of the ambiguous term "whole counsell of the Church."

The national convention of the church may have appeared perfectly logical to the reformers as a legitimate strategy, but whether this was to be permitted by a catholic queen, and whether it should be permitted as a threat to established civil government were burning questions, and dispute over them split the reformed party. They were hard questions for conscientious men.

During December 1561, Knox wrote: "The reullaris of the Courte (began) to draw tham selfis apart...and wold not convene with thair brethren."<sup>(1)</sup> The defense of the ministers against the "Courtiers'" charge against them (of holding secret "counsallis") was that they were only following "The ordour...appointed...as the Buke of Discipline wold witness." Knox had stretched the point but seemingly gained it. A

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(1) Works II, pp. 294-5

national council scarcely was mentioned, but certainly the right of ecclesiastical assembly was assumed by the book.

Knox's arguments for the national assembly were convincing and disarming: "...the Prince perfytlie understood that within this realme thair was a Reformed Church, and that thai had thair ordouris and appointed tymes of conventioun." He insisted that such assemblies were utterly necessary for the proper government and discipline of the church, and indeed for the very existence of the church when denied civil support.

Tack from us the fredome of Assemblies, and tak from us the Evangell: for without Assemblies, how shall good ordour and unitie in doctrine be kept? It is not supposed that all ministeris shalbe so perfyte, but that thai shall need admonitioun, alswiell concernyng maneris as doctrin, as it may be that some be so styff necked that thai will not admit the admonitioun of the simple:... For remeady whairof, of necessitie it is, that Generall Assemblies maun be, in the whiche the judgement and the gravite of many may concur, to correct or to repress the falyes or errouris of a few. (1)

The convention of June 1562 demonstrated that Knox's claim of need for a national instrument of unity and discipline was no mere facade to cloak a continuing rebellion.<sup>(2)</sup> This assembly set down the purposes and constitution of future national meetings of the church of Scotland. The basic purposes were:

...that unitie of doctrine may be retained among the ministers, that errors may be avoidit, that manners may be reformed, vyce punished without exception of persons and so that vertue and knowledge may be universally planted through the realm. (3)

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(1) Works II, pp. 296-7

(2) We work with very scattered and defective assembly records. Thus it is impossible to say with certainty when the body became self-conscious as the national organ of discipline. However, the fact that the records of June 1562 do contain definitive statements of the nature and work of assemblies is highly suggestive.

(3) B.U.K. I, p. 14

The assembly agenda agreed upon was to include, first, discipline of superintendents, ministers and elders respectively; then, general government and oversight of the church.<sup>(1)</sup> In addition to many important acts passed, the convention reaffirmed the authority of the superintendents,<sup>(2)</sup> and required each "to warn their kirks of the order taken... that the said superintendents, ministers, elders, and deacons doe willingly subject themselves to discipline."<sup>(3)</sup> Having erected a central authority for ecclesiastical discipline, it was necessary to bring every office bearer under that authority.

The method or process of discipline in the general assembly was also clearly set down in the convention record: first, superintendents were to be reported on and tried; second, elders were to report on their ministers; and finally the elders themselves were to be tried.<sup>(4)</sup>

General oversight was to be handled in the following manner:

After tryall be tane...then man every superintendent, with the ministers and elders within his dyocie, expone to the kirk the state of the kirk among them...to the end that the whole may devyse some wholesome remeid, or at least make supplicatioun to the superiour powers for the samein... (5)

While this national structure may have had some similarity to a number of the other reformed assemblies, its parallels to the assembly scheme of the Forma ac Ratio are particularly close. In the Church of

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(1) B.U.K. I, p. 14

(2) Ibid.

(3) Ibid.

(4) Ibid.

(5) Ibid.



Strangers there were two basic assemblies which seem to have been drawn together in the Scottish program outlined in June, 1562. The first was the quarterly assembly of "Ministres, Anciens, et Diares...pour observer specialement entre eux l'usage de la discipline Ecclesiastique;"<sup>(1)</sup> the second was a monthly assembly also of the combined ministries (ministers, elders and deacons) of all the churches ("tellement que l'une sans l'autre ne peut estre en danger") for general government. "Le Superintendent demande de aux ministres de chacune Eglise en leur order, s'ilz ont rien qu'ilz pensent devoir estre traicte en ceste assemblee, qui serve principalement en commun a toutes ces Eglises..."<sup>(2)</sup> It is worth noting that the goal of these a'Lascan assemblies was not majority consent or rule in matters of government and discipline, but "quand tous ont dit leur opinion, on establir par le consentement unanime de tous, ce qui semble estre plus conforme a la parolle de Dieu, & plus utile a l'Eglise."<sup>(3)</sup>

With the evolution of the general assembly, the structure of the Reformed Church of Scotland was completed. The first Book of Discipline thus was supplemented to provide the needed organ of national unification. This full scheme remained loyal to the basic tools of assembly and the superintendent. In spite of strain and initial failure in church-state relations, the early reformers remained determined and optimistic as they moved on with the work of disciplining the nation. The disturbing result of these struggles, however, was that attention more and more was focused

(1) Forme et Maniere, p. 232

(2) Ibid, pp. 231-2

(3) Ibid., p. 229

on matters of polity which were left dangling and unsettled.

v The Practice of the Initial Policy of Discipline (1562-1574)

Let us now turn to the successes and failures of the Knoxian strategy in the wide context of civil and national relationships from 1562 to 1574. This was the period when the church attempted to remain loyal to the broad, balanced and essentially optimistic initial theory. But it is also the period during which the Knoxian policy began to appear inadequate, especially to many of the younger, second-generation Scottish churchmen. The original goals of discipline began to be obscured, and matters of polity loomed up as of supreme importance. These, in turn, became a political foot-ball kicked fiercely back and forth between church and state. In this violent era the very theory of discipline changed...but we have moved ahead of the evidence.

The years 1562 to 1566 were years of gathering gloom for the reformed church. Queen Mary was in no sense a "godly magistrate" from the reformers' point of view--either in religion or in manners and morals. The audacious personal lectures of Knox to the Queen and the out-spoken preaching of the reformed ministers may have seemed to them the proper admonitions and threatenings demanded by their discipline, but they were not so taken by the court who labelled the reformers as "raillers" and, even worse, instigators of sedition.

There were mediating voices in the reformed party who, in the interests of peace and English support, tried to heal the growing breach between the church and the crown. Lord James Stewart, natural brother of the Queen and later regent, was a leader of this group. Knox's own graphic description of scenes at the 1565 General Assembly tells us of the pressure upon sincere protestant nobles who attempted to be loyal to both church and crown, and hoped to be used to coordinate the two jurisdictions.

...the courteoris nor the Lord's that dependit upoun the court presentit nocht thame selfis in the sessioun with thair Brethren. (When summoned however, these men, who) at first semeit nocht a lyttill offendit, that thay could be as it wer suspectit of defectioun, (came to Assembly) but thai drew thame selfis...apairt. (after consultation they sent) requyring the superintendentis and sum of the leirnit ministeris, to confer with thame. (The obvious desire was) to haif drawin sum mynisteris to the factioun of the Courteoris and to haif sustenit thair argumentis and opiniounis. (1)

It is little wonder that the courtiers were offended. The technique of counselling with the superintendents and learned ministers as liaison representatives of the church probably was the original process intended by the framers of the first Book of Discipline. But this frustration within the reformed party was inevitable. Only the Queen could have resolved it either by accepting the reformed faith herself, or at least by taking a realistic view of its strength and intention.

Yet, playing upon this very frustration and division may have been Mary's own deliberate strategy. At least the first eager hopes of the

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(1) Works II, pp. 422-3, 242; Calderwood II, pp. 242, 248 et seq.



reformers proved groundless during Mary's reign. Ministers were poorly paid and began to leave office.<sup>(1)</sup> Superintendents, hopelessly overburdened and unsupported, continued to ask to demit their offices;<sup>(2)</sup> and, perhaps most fatal of all, discipline in the chief towns (the pattern and strength of the reformation) began to crumble. In 1566, following the Riccio murder and the Queen's rage, Knox and many others were forced to leave Edinburgh. As Knox, writing in despair, compared Edinburgh in 1566 to the same city in 1560 when no papist or adulterer "durst have been seen in public," he could only explain the defection by the fact "that suddenly the most parte of us declyned from the puritie of Goddis word, and began to follow the world; and so agane to shaik handis with the Devill, and with idolatrie..."<sup>(3)</sup>

There could be no middle ground between a Bible-centered reformed church and a catholic queen whose hardening absolutism would certainly have meant the defeat of the new church had not a new opportunity developed for the reformers. Following the imprisonment of the queen, the placing of the Regent Moray in the seat of authority, and the crowning of the baby King, James VI, the circumstances of a few months earlier were completely reversed: Scotland had a "godly" magistrate! Knox, in January 1567/8, writing at the request of general assembly to John Willock in England to seek his return, spoke with triumph and hope: there had been the...

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(1) Works II, p. 334; B.U.K. I, p. 18

(2) B.U.K. I, pp. 39, 65

(3) Works II, p. 265

most miraculous victory and overthrow...our enemies...are dashed; ordour taken, penalties appointed...and above all, a godly magistrat, whom God of his eternall and heavenly Providence hath reserved to this age to put in execution whatsoever he by his law commandeth... (1)

Knox had good basis for this optimism. Though the earls and barons had not responded to his plea for attendance at a meeting scheduled for 20th July, 1567 to secure "ane perfyte policie," and "full liberty" for the Kirk,<sup>(2)</sup> yet the "Good Regent" Moray (who gave the country some much needed peace and justice in civil government) was willing to support the church. The parliament of 15th December, 1567 ratified the Confession of Faith of 1560, acts against the mass, and the exclusive jurisdiction of the church in examination and admission of ministers. It secured an oath for the king whereby the crown would always remain in protestant hands ("Because that the increase of vertew, and the supressing of Idolatrie craves that the Prince and the people be of anc perfite religioun..."). The general assembly was not specifically authorized, but the right of assembly was not challenged, and the national court was recognized as a valid assembly for appeal in difficult cases in the admission of ministers. Laws were enacted forbidding others than those professing the reformed faith to hold public office. Punishments were enacted for fornication and incest (banishment and death respectively).<sup>(3)</sup> The records of parliament

(1) Works VI, p. 445; B.U.K. I, p. 120

(2) B.U.K. I, p. 94

(3) A.P.S. iii, p. 14 et seq. It should be remembered that these acts (like those of general assembly) expressed more the ideal than actual practice in Scottish life. However, this record of parliament registers the first serious civil attempt on a national scale to support not only the reformed faith, but discipline as well.

actually referred to discipline as one of the marks of the true church,<sup>(1)</sup> and defined the jurisdiction of the kirk to "consist in preicheing... correctioun of maneris, and... sacraments."<sup>(2)</sup>

Thus a close civil-ecclesiastical coordination for the first time was achieved on a national scale. The moral aims of the reformed discipline were recognized and supported. And, with the regent's willingness to support and extend the scheme of superintendents in July, 1569,<sup>(3)</sup> it seemed that the scheme of ecclesiastical administration of the first Book of Discipline was to be realized almost to the letter.

However, by the following January the regent was assassinated, and the nation was once again plunged into a blood-bath of civil war and confusion. The church desperately petitioned the succeeding regent to carry out the promises of Moray to the church,<sup>(4)</sup> but its voice was drowned in the din of civil strife between the so-called Queen's party and the King's party.<sup>(5)</sup>

No positive action was taken to settle the church and its policy until January, 1571/2 during the third regency.<sup>(6)</sup> This was occasioned by a disagreement between the church and the government over the latter's

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(1) A.P.S. iii, p. 19

(2) Ibid., iii, 24, 12

(3) Supra., p. 122

(4) B.U.K. I, pp. 168, 170

(5) The factions of the country took sides over the issue of the right of James VI or his mother to the crown.

(6) That of the Earl of Mar



right to fill the large vacant benefices without consulting the church.<sup>(1)</sup>

This brought into focus again the knotty problems of church lands and emoluments, and the office of bishop. Both the government and the church were painfully aware that "the default of the whole standeth in this that the policie of the Kirk of Scotland is not perfyte."<sup>(2)</sup>

Again we must pause to remind ourselves that, while the world "policy" is used here, the difficulties of the church now were centering around matters of "polity." In other words the "policy" was not perfect because the "polity" was not settled.

Both church and state were ready for resolute action. Erskine of Dun, speaking at least for himself (and perhaps the mind of the other superintendents), agreed that there should not be trouble over words: he understood "a bishop or superintendent to be but one office,"<sup>(3)</sup> provided that the bishop be admitted by the church and be subject to the jurisdiction of the church.<sup>(4)</sup>

A "Convention" was called at Leith in January 1571/2 to perfect the polity.<sup>(5)</sup> On the whole the scheme arrived at by the leaders of both church and government, while knitting the crown and church more closely,

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(1) Source Book 3, p. 8; Calderwood III, p. 160

(2) Regent Mar to Erskine of Dun, 15th Nov., 1571; Calderwood III, p. 164

(3) Calderwood III, p. 160. Calderwood relates that later (p. 162) Erskine acknowledged his "error" when the second Book of Discipline was framed. This breathes of party spirit and seems very unlikely.

(4) Calderwood III, p. 160 et seq.

(5) B.U.K. I, pp. 205 et seq.; cf., Source Book 3, p. 9, et seq.

preserved the coordinate jurisdiction and the "liberty of the kirk."

Bishops were subject to admission by the church, and their jurisdiction in the church was to be that of superintendents. This scheme must have seemed highly advantageous to the church and nation. It eased the tension between the old and new ecclesiastical polities. It seemed to point the way to a compromise measure to fill out the three estates of parliament, and it brought some badly needed church property back into the reformed church. Furthermore it brought the polity of the Church of Scotland a little closer to that of England<sup>(1)</sup> at a time when Elizabeth's continued support was badly needed to quell civil strife and the growing danger from militant catholicism.

Since this was substantially the order hoped for eleven years before, and since it left the authority of the general assembly untouched, and since no change whatsoever was suggested in the theory, policy or practice of discipline,<sup>(2)</sup> it is not surprising that Knox was willing to give the Concordate of Leith at least his temporary blessing.<sup>(3)</sup> Objections

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(1) It is interesting to note that "the oath of supremacy" required of bishops was almost identical with the form of the English oath (compare the two in Source Book 3, pp. 12 & 13). The chief, and significant difference was that, while the queen of England was declared supreme "as well in all things spiritual and ecclesiastical things or causes as temporal," the Scottish oath read "als weill in things temporall as in the conservatioun and purgatioun of religioun."

(2) The exact Dr. McCrie, who criticizes the constitution of Leith as "of the most motley and heterogeneous kind," acknowledged that "it made little or no alteration in the established discipline of the church." Life of Melville, I, pp. 100-1

(3) B.U.K. I, pp. 248-9. And in spite of warnings from Beza in Geneva. Cf. Infra., p. 145, n. 3

were raised at the following general assembly, but were chiefly over terminology. (1)

In so far as the records of parliament speak the sincere intention of the government, the civil leaders in the parliament of January 1572/3 gave an even more firm and precise support to the discipline of the reformed church than had been given in 1567. Archbishops, bishops, superintendents, commissioners, ministers and readers were ordered to hunt out papists or non-communicants "and admonish them, according to the order of the Kirk." Non-protestants were required within sixty days to confess their faith, participate in the sacraments, and "submit to discipline." It was emphasized that the Church of Scotland was a "Trew Reformed Church." "Excommunicates" were ordered to "reconcile themselves to the church and submit themselves to the discipline thereof." It was specifically stated that all ecclesiastical office-bearers were under the authority of the general assembly. (2) Though some matters of polity were left unsettled, certainly the desires of the original reformers were fulfilled in these acts: an identification of the civil and ecclesiastical communities in one reformed commonwealth with ecclesiastical discipline legally supported by godly magistrates.

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(1) B.U.K. I, p. 246 et seq. There was a desire to make the new or revised policy conform better with "God's Word, and the policies of the best reformed kirks." It is evident, however, that a strong element in the church opposed the revised scheme because it was desired that it be "only receivit as ane interim, untill a farder and more perfyte ordour be obtainit..." (B.U.K. I, p. 246) and by the fact that when the question was discussed "whether shall the superintendents jurisdiction expire or not?" the answer was obviously "No" because they were continued under their old title.

(2) A.P.S, iii, p. 71-75



Yet the church hesitated to give full support to the revised polity, though it preserved the theory, if not the language, of the Book of Discipline. There was prejudice against non-scriptural terms like archbishop, dean, etc. The church did not abandon the office of the superintendent and new confusion and tension began to arise.<sup>(1)</sup> Overlapping jurisdictions between new bishops and old superintendents caused difficulty,<sup>(2)</sup> and some of the new bishops found it difficult to accept either the responsibilities or the limitations of the burdened superintendents. They resented the discipline which the general assembly too quickly and too easily gave them.<sup>(3)</sup>

This friction was most unfortunate and brought determined action from the fourth and most powerful regent, John Douglas, Earl of Morton. Morton's iron rule gave Scotland five more years of badly needed order and efficient (if ruthless) administration. He began his rule by securing the Act of Conformity and Supremacy "providing for the deprivation of clergy who would not accept the reformed Confession of Faith and acknowledge the King."<sup>(4)</sup> No one any longer could enjoy a benefice who was not "under the discipline of the trew kirk."<sup>(5)</sup> In the August, 1573 general assembly, the new regent promised to assist in the punishment of "persons

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(1) B.U.K. I, p. 261

(2) Ibid., pp. 264, 270; McCrie, op. cit. I, p. 102 (n)

(3) Ibid., p. 266. Perhaps this explains an act of assembly requiring "extracts of the superintendent's office registered in the Book of Discipline (to be) given to the ministers of every province, to the end that the superintendents (or bishop-superintendent?) may be tryed thereby, and as that they are found diligent, to be continued or changed." (B.U.K. I, p. 267) Questions were again raised on the confounding of the civil and spiritual offices (Ibid., p. 270-1).

(4) Source Book 3, p. 14

(5) A.P.S. iii, 72, 3; Source Book 3, p. 15

that pass in pilgrimages to wells." His instructions to the church and nation included a phrase (later used by James VI) which symbolized perfectly the desired coordinate relation between church and state in discipline: "Let the discipline of the kirk be used against the users of such superstitioun, and the civill magistrat shall also hold hand to the punishment."<sup>(1)</sup>

This hand-holding, however, was brief and not as sincere and spiritually motivated as the churchmen desired. The regent was not long trusted by the church. Archbishop Spottiswoode summarized his rule as one in which Morton "did purchase to himself both love and reverence... a most wise and prudent governor." But "he lost all his good opinion by courses he took to enrich himself..." "Breaking first upon the church, he subtly drew out of their hands the thirds of benefices." When the superintendents complained "they were answered, that their office was no more necessary, bishops being placed in the dioceses, and the ecclesiastical jurisdiction belonging to them."<sup>(2)</sup>

Impatience with the church's refusal to give up her superintendents, and an increasing desire to bring the church "as nearly as possible to conformity, in point of government, with the church of England,"<sup>(3)</sup> led Morton to begin a program aimed at the suppression of the church's bulwark of unity and strength, the general assembly.<sup>(4)</sup>

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(1) B.U.K. I, p. 280

(2) Op. cit., II, pp. 195-6

(3) McCrie, op. cit., p. 95

(4) Calderwood III, p. 306

Thus Morton lost the support of the strong, mediating influence of the "old guard," the superintendents and older ministers, who would have done most to strengthen the policy of the first Book of Discipline along lines of the compromise of Leith.<sup>(1)</sup> The reaction of the church in the assembly of March, 1573/4 was unmistakable: it redefined the limits of "the jurisdiction of bishops and thair ecclesiastical funcioun."<sup>(2)</sup> An unbridgable gulf was thus fixed between the church and state--a separation which would not be healed for centuries. The point on which all issues focused was the office of bishop. The tension was fast reaching a climax in 1574 when Andrew Melville returned from Geneva to Scotland with "new opinions, and over-sea dreames touching discipline and policie of the Kirk."<sup>(3)</sup>

## vi

Throughout the period of 1560 to 1574 we have become increasingly aware that it was the vision of the original reformers in matters of discipline and policy which had been guiding the leaders both of church and state (particularly after protestant regents had taken the reigns of government). The optimistic hope of the first Book of Discipline remained that a settled, coordinate, civil-ecclesiastical policy and polity might be found which would at once protect "the liberty of the kirk" and secure civil support in matters of

- (1) Erskine of Dun was not at all happy about an assembly commission to work with the regent in March 1573/4 (B.U.K. I, p. 291), and the church did everything possible to prop up the aging, ill superintendents to keep them in office. (B.U.K. I, pp. 303, 327, 337)
- (2) They "shall not exceid the jurisdiction of Supts., quhilk heirtfoir they have had and presentlie hes; and...they salbe subject to the discipline of the generall assemblie as members therof." (B.U.K. I, p. 294)
- (3) Calderwood III, p. 369



discipline. This seemed to have been achieved by the Concordat of Leith which preserved the church's structure of visitation and assembly backed by parliament's support in discipline. These years formed a period of experimentation and minor change, but this was normal and necessary. Had the older reformers remained in control a few more years it is quite possible that matters of policy and polity would have moved to a completely satisfactory settlement.

Certainly the civil government was lending increasing support to discipline. It is completely misleading to assume that because there was controversy over matters of polity that parliament was opposed to the discipline of the church. The records evidence the opposite tendency: as minor changes occurred in polity, parliament actually increased the civil support of reformed discipline. In 1567 and again in 1572/3 it seemed that the establishment of discipline, policy and polity was almost satisfactory.

But such a coordination of civil and ecclesiastical jurisdictions demanded a very high degree of mutual respect and concern. The state must sympathize with the spiritual mission of the church; the church must be patient with the practical and intricate problems of civil government. This desired mutual concern fluctuated, but gradually diminished, and was almost absent in 1574. The cleavage between church and state introduced a new type of thought within the church. Discipline would remain an important mark of the church, but was too vulnerable as expressed in the first Book of Discipline. A more "perfect policiey" appeared to be needed --

a separate government designed to work with the state whenever possible, but ready to operate against it when necessary. Younger reformers were determined to reject the first policy of discipline and reformation.

## Chapter V

## THE SCOTTISH MAGISTRATE (b)

We move now to the changes in the theory and practice of discipline during the period from 1575 to 1592 and following.

Andrew Melville, like Knox, has undoubtedly been praised and blamed for far more than is his due. Spottiswoode described 1575 as a year when "innovations (began) to break forth;" a year when Melville began "labouring with a burning desire to bring into this church the Presbyterial discipline of Geneva."<sup>(1)</sup> Certainly Melville did not introduce Geneva, nor discipline, nor the eldership to Scotland. Nor did he introduce the new theory of "parity," the equality of all ministers in administrative, judicial, and legislative power and function.

The Knoxian scheme had attempted to hold all ministers and superintendents under the discipline of assemblies while at the same time permitting them a limited superiority in executive and judicial functions.

The Melvillian theory put forward a thorough and absolute parity. Yet this was really not new to Scotland in 1574. The second Helvetic Confession had been approved with minor reservations on the 25th December, 1566. It was specially noted by the general assembly that "superioritie of ministers above ministers is called a humane appointment."<sup>(1)</sup> The first generation reformers recognized that certain human appointments were necessary and permissible in the church. But younger men (in Scotland

(1) B.U.K. II, p. 200



and elsewhere) began to teach that such practices were a "mix(ing) heavin with erthe,"<sup>(1)</sup> This was largely the responsibility of Calvin's pupil and successor, Theodore Beza, who had maintained a lively correspondence with the Scottish ecclesiastical leaders in which he had praised their success "in uniting discipline with doctrine,"<sup>(2)</sup> and in which, it appears, the Genevan preference for a complete parity among ministers had hardened into dogma to a degree not found in the teaching or correspondence of the master, Calvin.<sup>(3)</sup>

As we noted above, the fire was laid for a civil-ecclesiastical conflagration in 1574 and 1575. Then the tension between church and government with its focus upon the office of bishop was intense. The new Genevan emphasis on parity was already familiar in the Church of Scotland. All was ready for the spark: "A leader only was wanted to systematize (the) opposition, and such was found in Andrew Melville."<sup>(4)</sup>

Events moved quickly in March 1574/5. "The general assembly... began more seriouslie to speak of the Government of the Kirk..."<sup>(5)</sup>

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(1) B.U.K. I, p. 90; Diary of James Melville, p. 155

(2) Works VI, pp. 563-5. "How well, my Brother (Knox), you act in uniting discipline with doctrine! I beseech and conjure you so to persevere, that it may not happen to you as it has to many, who, having stuck in the threshold, cannot proceed farther, nay, sometimes even will not, a result far the most miserable of all!" June, 1569

(3) Works VI, pp. 613-5. "From the surest proofs, I infer that the Scottish churches are such, that...continued attacks of Satan...have not succeeded in corrupting among them the purity of doctrine, or in changing the rule of strict discipline neglected by so many nations...But of this also, my Knox, which is now almost patent to our very eyes, I would remind yourself and the other brethren, that as Bishops brought forth the Papacy, so will false Bishops (the relicts of Popery) bring in Epicurism into the world." 12th April, 1572.

(4) Buchanan, History, III, p. 16

(5) Row, op. cit., p. 54

While continuing the superintendents in office, <sup>(1)</sup> the assembly brought pressure to bear to strengthen the synodal assemblies, <sup>(2)</sup> and to revive the exercises. <sup>(3)</sup> A commission on policy and jurisdiction was appointed to meet "and to conferr their laboures (to) writing..." <sup>(4)</sup> The church, on the defensive, with Knox now dead and young leadership taking the center of the stage, was obsessed with matters of polity.

The Regent Morton requested a draft of the new polity on 24th April, 1576, but he must have known in advance that it would be utterly foreign to his own design which by this time was clearly aimed at the retention of bishops and the control of the national assembly. <sup>(5)</sup> While resorting to a compromise scheme making use of all existing offices (superintendents, bishops, and commissioners) under the general title of "commissioners to countries," <sup>(6)</sup> the church continued to revise its theory and policy of discipline. The finished product was ready for presentation to Morton in October, 1577, <sup>(7)</sup> but, with the termination of the regency, the church hopefully pressed the new order instead upon the young king himself (not yet twelve years of age). <sup>(8)</sup>

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(1) B.U.K. I, p. 318

(2) Ibid., p. 316

(3) Ibid., p. 321

(4) Ibid., p. 325

(5) Source Book 3, p. 20. Lord Chancellor Glamis' letter to Theodore Beza

(6) Fifteen commissioners, each with five or six assistants were distributed through the various provinces to attempt to make up the desperate lack in visitation and oversight and the consequent failure in discipline.

B.U.K. I, p. 353

(7) B.U.K. I, p. 397-8

(8) Ibid., II, p. 409

A parliament at Stirling in July 1578 sought compromise, but met with adamant resistance from the church. The reply of the churchmen to the civil power demonstrated how far they had moved from the open, sympathetic, optimistic attitude which the first reformers had maintained toward civil authority.

The commissioners (of the church) answered;...that it became the assemblie to collect out of the booke of God a forme of discipline and policie ecclesiasticall; to propone it to the prince; and to crave it to be confirmed, as a law proceeding from God; and that it became not the prince to prescribe a policie to the kirk. (1)

The king then called a select group of commissioners to conference in Stirling (22nd December) to review the new policy--the second Book of Discipline. Though these men "protested, that they come not as having anie commission of the kirk, but onlie at his Majestie's missives' request," (2) their recommendations, when viewed against the original draft of the second Book of Discipline, let us see the drastic changes in discipline which the church was demanding.

From the point of view of definition and theory, Section 14 of cap. 1 is of very significant interest. Here the second book seems to reaffirm the Knoxian doctrine that as all ministers "ar subject to the magistrat civile, sua aucht the persoun of the magistrat be subject to the Kirk spiritually, and in ecclesiastical government." (3) But the phraseology of the first Book of Discipline had been different: "To discipline (not

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(1) Calderwood III, pp. 415-6

(2) Ibid., p. 434

(3) B.U.K. II, p. 489



government) must all estaitis...be subject."

The point seems at first trivial, but it was not. As the King's committee perused this phrase of the second book, they "agreed, onlie changing thir words, 'Ecclesiastical Government,' instead wherof to say, 'Ecclesiastical Discipline according to the Word of God!'"<sup>(1)</sup> This would seem to be perfectly valid and in keeping with the original theory and definition of discipline. But the correction was not acceptable to the church. The following assembly of July 1579, though it could not and did not want to ignore the great mark of the church for which the original reformers had fought, was now insisting on the right to redefine discipline to mean also a particular, ecclesiastical polity developed and practised by the church free from civil participation or interference. This was the clear (if subtle) import of the second revision of the above phrase of the second Book of Discipline: "The Kirk eiks (adds) to the word Government this word Discipline."<sup>(2)</sup>

Under the influence of Melville and other younger men, discipline had reached its third definition in the Scottish reformation. At the core was discipline defined as a New Testament system of corrective and restorative censures. Then, in the Knoxian period (following Bucer's grand scheme) discipline had drawn to itself really the whole structure of the worshipping community designed to body forth the Word and Sacraments.

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(1) Calderwood III, p. 435

(2) B.U.K. II, p. 432

Now, in the Melvillian period, discipline was becoming almost reduced to matters relating to independent ecclesiastical polity. Ecclesiastical government, which, in the second theory, was only a part of the total policy or exercise of discipline and only a means to an end, had become the focus and an end in itself. For Andrew Melville discipline meant ecclesiastical government " derived from the word of God and to be executed by the interpreters of Scripture."<sup>(1)</sup> As this shrivelled theory of "The Holy Discipline" hardened, it became identified with presbyterianism, while, unfortunately, the broader vision and theory of the first Book of Discipline was fated to become the chief tool of the enemies of the church.

#### i Changes in Structure and Strategy in the Second Book of Discipline

From the point of view of polity, the second Book of Discipline showed considerable change in structure and strategy. While the first book had been written against the optimistic assumption that church and state could function in a coordinate relationship as two ministries within a single kingdom, the second book had a pessimistic setting--the acceptance of the belief that there were "Twa Kingdoms,"<sup>(2)</sup> whose jurisdictions must be completely separated and never confounded.<sup>(3)</sup> The second document preserved the same basic strategy of reformation which had been familiar since 1562: a system of graded courts and assemblies

(1) McCrie, Andrew Melville I, p. 153

(2) Calderwood V, p. 378

(3) B.U.K. II, p. 503

combined with the function of visitation. But the second book removed all the tensions and wise balances within the church by a re-centering of the diffuse power of the church principally into the hands of the clergy (with elders) in their assemblies.

Accepting the tensions between church and state, the churchmen were determined to cut the possibility of lay, civil interference and control. Thus the church was defined in the second book in pre-reformation terms: not just as a "fellowschipe...of the godlie" and "elect," but also as "thame quho exerce the spirituall function amongis the congregatioun."<sup>(1)</sup> "The Kirk, in this last sence, hes ane certane power."<sup>(2)</sup> "The Pollicie of the Kirk, flowing fra this powar...is gevine immediately to the office beraris."<sup>(3)</sup>

And who were these office bearers?

"Thare (are) four ordinarie functions or offices in the Kirk of God: Pastor, Minister or Bischop; Doctour, Eldar and Deacones."<sup>(4)</sup> Only the first three were included in the eldership.<sup>(5)</sup> What was the place of the layman in this eldership? "It is not necessar that all elderis be also teachearis of the Woord albeit chieflie thay aucht to be sic and sua ar worthie of double honour."<sup>(6)</sup> The laymen, in numbers and honor were deliberately subordinated thus curtailing their influence.

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(1) B.U.K. I, p. 488

(2) Ibid.

(3) Ibid. II, p. 488

(4) Ibid., p. 491

(5) Ibid., p. 496; cf. p. 500. It was no longer an advantage to have so many lay office bearers adding their weight to ecclesiastical courts.

(6) Ibid.



One possible purpose of this strategy may have been to curtail increasingly the influence of magistrates in church affairs. The Synod of Fife, for example, in 1597 sought to stabilize the church by reducing lay participation in ecclesiastical matters. <sup>(1)</sup>

The function of visitation was changed and minimized in the second book. "Every assemblie hes power to send...ane or ma visitouris... visitatioun of...Kirkis is no odinare office ecclesiasticall in the persoun of ane man; nather...the name of ane Bischop be attributed..."<sup>(2)</sup> "The haill discipline" is in the hands of assemblies."<sup>(3)</sup>

Assemblies or elderships were of three kinds: particular, synodal, and national. <sup>(4)</sup> Particular elderships included not only the elders of a single congregation: "Three or four, ma or fewar, particulare kirks may have ane common elderschip to thame all."<sup>(5)</sup> To these assemblies belonged the power of excommunication, <sup>(6)</sup> and of election and deposition of ministers and office-bearers. <sup>(7)</sup> Synodal and national assemblies

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(1) cf. Andrew Edgar, Old Church Life in Scotland, p. 190, note; see also the questions and answers of the Synod of Fife in 1597 in Gilderwood V, p. 589, when it was asked "should not the elders and deacons have vote in presbytery?" The answer returned was, "pastors only... for the elders voting passeth not out of their awne particular sessionis."

(2) B.U.K. II, p. 497

(3) Ibid., p. 498

(4) A fourth court, an international assembly, was recognized but not developed: "... (a council) of all and divers nationis professing ane Jesus Chryst." (Ibid., p. 497)

(5) Ibid., p. 498

(6) Ibid., p. 499

(7) Ibid.

"have the haill power of particular elderschippis."<sup>(1)</sup> Membership in assembly was carefully guarded against civil interference: "None are subject to repair to (the national) assemblie to voitt, bot ecclesiasticall personis."<sup>(2)</sup> It was the assigned task of the general assembly to "tak heid, that the spirituall jurisdiction and civile be not confoundit, to the hurt of the Kirk."<sup>(3)</sup>

Summarizing these facts, we note that the original, deliberate tension between the office of superintendent (or overseer, bishop, or commissioner) and assembly was resolved by bringing all visitation, missionary and executive functions within the jurisdiction of particular assemblies. Then tension between superior and inferior offices in the ministry was resolved by establishing parity. The tension between superior and inferior assemblies was resolved by clearly defining the power of higher courts as cumulative. The tension between congregation and session was resolved by giving effective power to the eldership who were elected for life. It became clear that these elderships were no longer thought of as primarily the local session, but a presbytery of three or more sessions.<sup>(4)</sup> The tension between the minister and the layman was resolved by recommending that the minister receive double honor, and that in all assemblies higher than the kirk session

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(1) B.U.K. II, p. 500

(2) Ibid.

(3) Ibid.

(4) Ibid., p. 482 et seq. Cf. Percy, op. cit., p. 379: "...the district presbytery, which formed no part of the (Knoxian) scheme, became what the kirk session was intended to be."

there be a majority of the teachers of the Word. Above all the tension between the church and state was accepted, and the church attempted to protect herself from the state<sup>(1)</sup> by forbidding any liason officer (such as a bishop or superintendent), by forbidding non-ecclesiastical voting at assemblies, and by precluding domination of higher ecclesiastical courts by lay magistrates.

This was the "solid basis"<sup>(2)</sup> which constituted the "more perfyte discipline" which Calderwood believed (without evidence) Knox and the other five "Johns" who penned the first Book of Discipline would have approved.

## ii The Melvillian Polity in Practice

The period of 1575 to 1592 was a period when discipline as polity became a hardened doctrine of the Scottish church. James Melville recorded this clearly in his Diary. Writing after the turn of the century and the union of the crowns of England and Scotland which made the problem of diversity in ecclesiastical polity a matter of intense concern, Melville set forth the English and Scottish episcopal view of ecclesiastical polity:

"...thair was no diversitie of Religioun, in substance, betuix the realmes:

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(1) Especially from the king and parliament, but probably from local magistrates as well whose domination of sessions may have caused difficulty for the church. The shifting of power from the session to the clerically controlled presbytery would skillfully correct this difficulty.

(2) McCrie, Life of Melville, I, p. 108



only sum difference in thingis indifferent, concerneing the Kirkis Govern-  
ment and Ceremonies."<sup>(1)</sup> With this view Melville heartily disagreed.  
According to him, the Scots ministers had set a different value upon  
matters of discipline: "...for boith (doctrine and discipline) is the doc-  
trine of Chryst, alseweill the one as the uthir, and we haif the lyke warrandis  
of God and men for boith."<sup>(2)</sup> As a result of this hardening and narrowing  
of theory, and the political situation of the day, episcopacy and presbyter-  
ianism became pitted against each other: "crown supremacy and epis-  
copal government stood on one side, against parity, the general assembly  
and ecclesiastical independence...on the other."<sup>(3)</sup>

The strength and weakness of presbyterian polity was that it had  
become fixed at a time when civil government was the prey of faction and  
intrigue. Consequently the church was in a position during the last quar-  
ter of the sixteenth century to push her advantage whenever the king needed  
her strength.

The first such opportunity came during the upheaval of 1580-81,  
when the renewed fear of papistry brought pressure upon the king.  
Discovery of an international plot led the king to dismiss his chancellor,  
the French Esme Stuart, Lord d'Aubigny, and made him willing to lean  
heavily upon the church for support. This brought the "King's Confession"

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(1) Diary, pp. 748-9

(2) Ibid., p. 744

(3) Source Book 3, p. 19

in which he promised to join himself to the "true reformed Kyrk" in discipline as well as in doctrine and sacraments.<sup>(1)</sup> James VI also ordered the confession to be subscribed throughout the whole country. Better still, during the assembly of 1581, the king promised not only to "sett fordwart the Policie," (the second Book of Discipline),<sup>(2)</sup> but expressed a positive desire to rearrange ministerial stipends and to present a plan of presbyteries which, said the king, would "make the ministers to be surelie provydit of thair livings, (and also)... sall bring the ecclesiastical discipline to be farre better exercised and execute over all this realme nor it is presentlie..."<sup>(3)</sup>

This new policy of erecting presbyteries was put into practice immediately. The master plan called for a reduction of the nine-hundred twenty-four kirks to six hundred. These were then divided into fifty presbyteries. Each diocese contained an average of three presbyteries.<sup>(4)</sup> Thirteen model presbyteries were set up in the heavily protestant lowlands.<sup>(5)</sup> A deliberate effort was made to build the presbytery as much as possible upon the foundation of the old exercise. To the original function of "the prophecy" were added government and discipline.<sup>(6)</sup>

But again the happy state of the rapidly expanding new church was interrupted by the ascendancy to power of the Earl of Arran and the passing

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(1) Source Book 3, p. 34 et seq. This formed the basis for the National Covenant of 1638.

(2) B.U.K. II, p. 478

(3) Ibid., p. 477

(4) Ibid., p. 480

(5) Ibid., p. 482

(6) Ibid., p. 535

of the so-called "Black Acts" of 1584. These articles reaffirmed absolute authority, and forbade all convocations of ministers except by the king's consent. For three years the general assembly did not meet. But with the dismissal of Arran in 1586, a compromise between presbyterianism and episcopacy was grudgingly agreed to by the assembly.

Soon the fortunes of presbyterianism again began to climb. Not only was the scheme for planting presbyteries continued, but the power of bishops was effectively undermined by the act of annexation of 1587 which removed ecclesiastical lands from the bishops and granted them to the crown. <sup>(1)</sup> Thus, when another crisis in government overtook the king, it was not difficult for the church to achieve the long desired parliamentary establishment of presbyterian polity.

This came when a general outcry arose against James' weak dealings with rebellious factions in the nation and especially when Francis Stewart, Earl of Bothwell, actually endangered the king's person. <sup>(2)</sup> The Act of 1592 <sup>(3)</sup> establishing the second Book of Discipline was James' effort to secure popularity with one section of his citizenry. But it was also a recognition of the power of the church and of the spread of presbyteries

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(1) Source Book, 3, pp. 44 et seq.

(2) Ibid., p. 47

(3) A.P.S., iii, 541-2; Source Book 3, pp. 48-9



over most of the country. (1)

Yet the temporary confidence which the establishment of presbyterian government gave the church was illusory. Another crisis came in 1595/6 which Calderwood described as "a remarkable yeere to the Kirk of Scotland, both for the beginning and for the end of it... The Kirk of Scotland was now come to her prefectioun and the greatest puritie that ever she atteaned unto, both in doctrine and discipline." (2) But it was also a year which would end in political intrigue.

Feeling themselves secure and believing that matters of government were settled, the ministers began in 1595/6 to turn their attention again to the moral ends of discipline. With puritan thoroughness and zeal they looked again to the sins of every estate of the nation. In the March assembly

every minister (was) chargeit that he have a Sessioun established of the meitest men in his congregatioun, and that discipline strike not only upon grosse sins, as whordome, bloodshed, etc., but upon all sins repugnant to the Word of God, as blasphemie of God, banning, profaining of the Sabbath day, disobedience to parents, idle unrulie anes... drunkards, and sicklyke deboshit men that makes no conscience of thair lyfe and ruleing of thair families, and specialle of educatioun of thair children, lying, slandering, backbytting, flattering and breaking of promises... (3)

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- (1) Source Book 3, p. 47. "Examination of the records of crown presentations to benefices shows a steady increase in the proportion directed to presbyteries: the fraction is about a quarter in 1588, a third in 1589 and a half in 1590. By 1592, it is clear, presbyteries in nearly every part of the country were operating successfully, and presentations directed to bishops had become extremely rare." This is confirmed by the assembly record of April 1593: "Forsameikill as the numberis of the Presbitereis within this realme and thair places wald be knawin, the names therof being inquyrit, the full Assemblie and number of the same were given up as followis." Then follows the list which totals forty-six (out of fifty in the original plan). B.U.K. III, pp. 799-800.
- (2) Calderwood V, p. 387; cf. SAKSR II, p. 804 et seq.
- (3) B.U.K. III, p. 865

All estates (ministers, prince, magistrates, nobles, common people) were analyzed by the assembly and particular sins were noted for reformation: <sup>(1)</sup> "Ane universal caldness and decay of zeale in all Estates, joynit with ignorance and contempt of the Word, ministric and Sacraments," was lamented. The March assembly ended with a service of dedication to the task of discipline led by John Davidson, the moderator, which seems to have moved the ministers deeply: there were "such sighs and sobs, with shedding of tears, among the most part of all estates that were present every one provocking another, by their example, and the teacher hiself be his example, that the kirk resounded." <sup>(2)</sup>

But in spite of zeal and determination, human nature and political intrigue conspired to close the year 1595/6 on a note of gloom for the church. The king, surrounded by "the Octavians" (eight commissioners appointed in January 1596 to overhaul and administer the royal revenues), <sup>(3)</sup> desiring to recover effective control over the church, began (in 1597), a policy of superimposing episcopacy upon presbyterianism.

To achieve this end the king made use of earlier reformation theory. He challenged the second Book of Discipline at three points: (1) that "...the haill externall government of the Kirk mon be teach out of the Word of God;" (2) that "Onlie pastors and doctors may show this;" and (3) that "this policy is now...sett down and constitut...according to quhilk it hes bein thir manie

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(1) B.U.K. III, pp. 873 et seq.

(2) Ibid., pp. 870, 873

(3) Source Book 3, p. 52

yeirs sa happelie governit and rewrit."<sup>(1)</sup>

The king was right: the church's theory, policy and polity of discipline were not the same in the Melvillian period. The church was really working with two, not with a single policy of discipline. But he was right for the wrong reason. James discovered in the original theory a means to attack the church in order to make himself the supreme authority (as in England) of church and discipline.

Actually, at this time, King James was not opposed to the presbyterian courts or to discipline. Quite to the contrary he saw that joining magistrates, ministers and elders under royal commission could be a very valuable tool for bringing order in distant and lawless areas. This was quite evidently the intention of the royal commission registered in the records of Elgin:

Follows the registration of the Commission grantit to the minister, eldaris, prowest, and bailleis of Elgin be his maiestie for the exercise of discipline:

James, by the grace of God, King of Scots... Forsamekill as the exercise of discipline within the Kirk of God hes greatly decayit thir mony yeiris bygane throughout the haill partis of our realm and within the parroche of Elgin, quhair the civil magistrat to quhome the execution of our Actis of Parliament properlie apperteins hes not been so careful in putting of the same to dewe execution as he aucht... We constitute the provest and baillies and the eldaris... our Justices... to thame full power to put dew Execution ... December 9, 1595. (2)

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(1) B.U.K. p. 909

(2) The Records of Elgin, Vol. II, New Spalding Club, p. 54



From the king's point of view, he could say with truth that the Scottish church had "privilegis and utheris benefeitis as is not grantit in ony uthir reformat cuntry." (1)

Yet the church did not trust his motives, and their distrust was justified when, with the writing of the Basilikon Doron, the king made clear his intent to dominate the church and to bring it into conformity with the Church of England.

Cherish no man more than a good pastor (James wrote to his son, Prince Henry); hate no man more than a proud puritan; thinking it one of your fairest style to be called a loving nurse-father to the church, seeing all the churches within your dominions planted with good pastors, the doctrine and discipline maintained in purity according to God's word... a comely order in their policy, pride punished, humility advanced... (2)

Thus the church was doomed to continue its struggle over polity for many generations. The king's efforts to "brangle the discipline" (3) were all too successful and the end of the year 1596/7 "beganne that doolefull decay and decynning of this kirk" (4) which continued into the next century.

### iii

The period of 1575 to 1600, for the reformed church, was a period of struggle not only against sin, but against the state. Establishing discipline (the rule of Christ) became as much a matter of keeping the crown of Christ off the king's head as of winning the nation to a reformed

(1) Register, Privy Council, Vol. V, p. 330

(2) I, p. 81

(3) Calderwood V, p. 577

(4) Ibid., p. 388

society whose head and example was Jesus Christ. This continuing conflict between two absolutizing centers of authority made impossible any real discovery of the coordinate jurisdiction of the church and state contemplated in the first Book of Discipline or a genuine concentration upon the primary aims of discipline which transcended matters of polity.

In a striking way the Melvillian period of reformation became a struggle between the theories and practices of discipline as set forth by the two books of discipline. The technique of the episcopal party was to pit the first against the second. The questions, for example, which the Regent Morton had asked in 1576 when the first drafts of the new policy were made available to him were not at all "captious and frivolous"<sup>(1)</sup> as Dr. McCrie suggests. Questions concerning "degrees of dignity" in the ministry, "how far may the ministers, elders, and deacons of every particular kirk or paroch proceed, and in what causes?"<sup>(2)</sup> etc., were clearly matters in which the second Book of Discipline departed from the first.

The same line was followed by the King's Committee in 1578. Questions about "distribution of the power" and the closer "exercise of the two swords"<sup>(3)</sup> were embarrassingly to the point--the point being that the church was digressing from its original democratic, optimistic church-state policy of discipline.

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(1) McCrie, op. cit. I, p. 117

(2) B.U.K. I, p. 368

(3) Calderwood III, pp. 434-6

The bishops, caught between the two jurisdictions, tried to pull the church back to the less rigid theory of the first book. <sup>(1)</sup> Robert Montgomery, bishop of Glasgow, was finally excommunicated for teaching what many original reformers taught: "that discipline (probably meaning a particular polity of discipline) is a thing indifferent, (and) may stand this way or that." <sup>(2)</sup> In 1584, Archbishop Adamson, an enemy of presbyterianism, wrote words that could have been spoken by Bucer, Calvin or even Knox, but were used instead against the second Book of Discipline:

Concerning the authoritie of ecclesiasticall discipline, I am in opinioun, that where the Word of God beares an expresse perpetuall command, the same craves a necessarie and universall obedience of all faithfull. But where constitutions...ar necessar for the ecclesiasticall policie, that the same sould be institute and authorized by common consent of the civill and ecclesiasticall authoritie. (3)

The king's master blow in pitting the first book against the second came with the "thornie questions" when the following (and fifty-two other questions) were published throughout the church: "Is the King severallie, or the pastors severallie, or bathe conjunctly, that sould establishe the acts anent the externall government of the Kirk?" "Is not the consent of the maist part of the floch...necessar in the electioun of pastors?" "Is it nocht necessar that privat admonitions, with reasonable intervalls of tym, pas befor all manner of citationes?" <sup>(4)</sup>

(1) No doubt with highly questionable motives at times.

(2) B.U.K. II, p. 533 (1581)

(3) Calderwood IV., p. 706

(4) B.U.K. III, p. 904, et seq.



The crafty wit of the King had found an effective tool. Calderwood was probably right in claiming that in 1581 "the discipline whereof mention is made in the (King's) Confession of Faith, is not episcopall government, but the jurisdiction of kirk sessions, presbyteries, synodall assemblies, and general assemblies."<sup>(1)</sup> The king at that time did specifically promise to set forth "the Policy" of the Kirk.<sup>(2)</sup> But by 1586 he (and his council) had learned that it was not necessary to equate a particular polity with discipline. Moreover, he had discovered that the best weapon against the presbyterian church polity was the church's own original theory of discipline.<sup>(3)</sup>

What had happened to the older leaders, whom we might have expected to rise to the defense of the first policy of discipline? Knox was gone; but his willingness, before his death, to admit slight alterations in order to preserve the substance of the first Book of Discipline, ought to have set a precedent. What of John Spottiswoode and Erskine of Dun who survived and continued in positions of influence?

Archbishop Spottiswoode recorded his father's reflections:

In his last days, when he saw the ministers take such liberty as they did, and heard of the disorders raised in the church through that confused parity which men labored to introduce... "for the doctrine," said he, "we profess is good, but the old policy was undoubtedly the better." (4)

Spottiswoode also wrote of the passive resistance which the elderly Erskine of Dun maintained toward the new policy:

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(1) Calderwood III, p. 506

(2) Supra, p. pp. 154-5

(3) His ambiguous language committed him only to broad theory. B. U. K. II, p. 646

(4) Op. Cit., II, p. 336

(He was) chosen with the first to have the oversight of the churches in these north parts, which he governed to his death most wisely and with great authority, giving no way to the novations introduced, nor suffering them to take place within the bounds of his charge whilst he lived. (1)

This claim harmonizes with an action of the General Assembly in June 1589 which changed all commissioners "except the Laird of Dun,"<sup>(2)</sup> and possibly explains why it was necessary for the impatient assembly, shortly before Dun's death, to ordain that "the acts of Discipline contentit in acts of the General Assembly be keptit asweill in Angus and Mernes as all uther parts."<sup>(3)</sup>

The hearts of the older men remained with the First Book.

During the first four decades of Scottish protestant ecclesiastical history, the church faced two basic problems: (1) to make the Word of God the standard of belief and conduct for every citizen of Scotland; and (2) to find an effective policy to that end. How successful was the church in reaching these goals?

With regard to the first, the picture at the close of the century was depressing to the utmost. Whether the difficulty was primarily the wide gap between the reformed standard and the 16th century reality, or the

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(1) Spottiswoode, op. cit., II, p. 412

(2) B.U.K. II, p. 745

(3) Ibid., p. 783

civil chaos and weak central government, or the loss of energy due to the continuing quarrel between church and state--whatever the reasons or combination of reasons, the century ended with little accomplished in the dynamic moral adjustment of bringing Scotland to the "yoke of Christ."

One assembly survey of every part of the country showed

the discipline of the Kirk nothing sett by...a great caldness amongst all both gentlemen and commons, kirks ruinous... great dissoluteness of life and manners, with the ugly heaps of all kind of sin lying in every nook and parte of this land. (1)

Much of the hardening of discipline and the ministry must be understood in terms of this basic frustration.

As to the second--the achievement of an effective policy: the picture could not have been darker concerning the relationship between church and state at the close of the century. The ministries of word and sword were poles apart. The church was now obsessed by her polity. Discipline and polity had become almost synonymous, and the seeds of continuing civil war had already begun to bear tragic fruit. Many centuries would pass before the two jurisdictions could be woven back into the balanced tension and coordinate relationship desired by the first Book of Discipline.

Yet during this forty year period between 1560 and 1600, policy at the lower levels of church structure had not failed. In the particular elderships (kirk-sessions and presbyteries) an instrument had been forged for the effective propagation of the Christian gospel and its moral standard.

(1) B.U.K. II, pp. 716-23



Appreciable, practical results were not obvious on the national level, but Scotland's later history would demonstrate (in spite of civil strife, and ecclesiastical bigotry) "the reign of Christ" in the communal life of the nation in a way scarcely equalled in Christian history.

The real tragedy, as we have surveyed the development of discipline, was the shrinking and warping of the original theory of discipline. As the term itself became identified with presbyterian government (and also with puritanism, though these are in no sense synonymous terms) it became increasingly odious to much of the protestant world. True, it became an effective tool against absolute monarchs, and for church extension. But it also created (and the same might be said for episcopacy) a polity of sacrosanct character, and a set of mind within the church which would long resist change. The early European and Scottish reformers had labelled such dogmatizing of forms as "superstition."

One would hope that as Scotland and her presbyterian church have learned to hold in living tension the coordinate jurisdiction of church and state, so this church, in an age of ecclesiastical trust and thirst for unity, may dare to look again at the original theory of discipline. Discipline ought never to be identified with any particular polity. Its aims must always be higher and broader: "An ordre left by God unto his Church, wherby men learne to frame their wills, and doinges, according to the lawe of God."

PART THREE

THE PRACTICE OF DISCIPLINE

Within

THE SCOTTISH CHURCH

## Chapter VI

## DISCIPLINE IN THE LOCAL CONGREGATION

Having viewed Scottish discipline in its wide context of the European reformation, and in its involvement with the stormy sixteenth century Scottish political scene, and having noted the significant reshaping and redefining of the original theory of discipline which these two mighty forces caused, it is now time to look within the church to see discipline as practised there--both at the level of the local congregation and in the national church. <sup>(1)</sup>

Let it again be remembered that one of the original and basic definitions of discipline was a congregationally centered method of dealing with sin; its main purpose was the maintenance of a pure sacramental fellowship. Though we have noted that at the national level discipline had shown all too little practical religious and moral advance at the close of the sixteenth century, yet this must not obscure the fact that, where kirk-sessions were well constituted, they evidently were effective and did supply a need, or else they would not have been tolerated by the communities in which they operated. How, then, did discipline operate in the local congregation?

Much attention has centered upon the extreme, sometimes bizarre and harsh methods used by the Scottish church in its discipline during

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(1) Discipline in the national church forms the content of Chapter VII.



(and long after) the sixteenth century. Those who judge primarily from the sixteenth century vantage point tend to justify the extreme measures as appropriate in that day. Others, looking back from the twentieth century (and tending to forget that puritanism and Victorianism did much to lift the standards and to set the norms of later moral, social and religious conduct) can only condemn such inhumanity as foreign to Christian life in any age.

One important and somewhat neglected point of view may be suggested by the question, "What is the ideal imbedded in the sixteenth century documents themselves?" Surely this is the only fair criterion--letting the judgement on Scottish practice come from its own original ideal. This has been a rewarding approach, and (as will be shown) it reveals a double standard of discipline outlined within the documents themselves.

Before moving into this discussion, it would be well to state that this chapter seeks to avoid a piling up of kirk-session case studies except where a very few may be illustrative. Such valuable studies already have been made.<sup>(1)</sup> The primary questions to be answered here are: What were the documents for congregational discipline which evolved out of the Liturgy and the first Book of Discipline? When and how were these produced? What were their origins? What expanded process of discipline was outlined? What theory (or theories) of congregational

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(1) Among others, Watkins, History of Penance; Ivo Clark, A History of Discipline in Scotland; Andrew Edgar, Old Church Life in Scotland; and Edgar and Andrew Macgeorge in Robert H. Storey's The Church of Scotland Past and Present

discipline emerged? How did practice relate to theory?

### i The Later Documents for Congregational Discipline

There was no comprehensive Forma ac Ratio during the earliest years of the Scottish reformation. The Liturgy (see Chapter II) outlined the main elements of simple congregational discipline. This was officially recommended for use by ministers and congregations by the national ecclesiastical assembly which met in December 1562,<sup>(1)</sup> and was then required for every minister two years later.<sup>(2)</sup> In addition to this simple outline, it may be presumed that some of the ministers at least familiarized themselves with the slightly wider (but still congregationally centered) scope of the first Book of Discipline and with manuscript copies of two other important documents: The Order of Election of Elderis and Deaconis in the Privy Kirk of Edinburgh,<sup>(3)</sup> and The Forme and Ordour of the Electioun of Superintendents (and Ministers).<sup>(4)</sup>

However, as the church grew and the number of ministers and elders increased, more ready and explicit guidance in congregational practice was needed. Knox himself explained that

Albeit...in the Booke of Discipline the causes als weill of Putlict Repentence as of Excommunicatioun, are sufficiently expressedd, yit because the Forme and Ordour ar not so set furth, that everie church and Minister may have assurance that they agree with utheris in proceeding, it is thocht expedient to drawe that Ordour which universallie within this Realme shal be observed.<sup>(5)</sup>

(1) B.U.K. I, p. 30

(2) Ibid., p. 54

(3) Works II, pp. 151-4

(4) Ibid, pp. 144-150

(5) Ibid. VI, p. 449

Therefore, in June of 1563, "Mr. Knox was requested to put in order the forme and maner of excommunication."<sup>(1)</sup> Perhaps the press of other duties interfered, but his document was not ready for printing until after July, 1569. A more likely reason for the delay (when we remember that this was the period when the nature and powers of the superintendents and their courts were being determined) is that the type of jurisdiction of the reformed sessions, and the appropriate treatment of sinners were knotty problems which must have caused widely varying differences of opinion within the church. A second assembly action ordered a commission to revise Knox's original document in June of 1567;<sup>(2)</sup> still further revision was necessary in July of 1568.<sup>(3)</sup> At last, in the summer of 1569, the new order was ready for final changes and printing.

The Assembly appointed the Superintendent of Lothian, Mr. Knox, Mr. John Craig, and Mr. David Lindsay, to revise the acts which concern the common affairs of superintendents and ministers, and cause the same to be printed; and also the form of excommunication, with the inauguration of superintendents and ministers. (4)

The original edition actually included the order of excommunication and repentance, the order for election of superintendents, and the order for the election of elders and deacons.

Thus, before the death of Knox, by combining the Liturgy (and perhaps the first Book of Discipline) with the new printed orders, the

(1) B.U.K. I, p. 37

(2) Ibid., p. 93

(3) Ibid., p. 131

(4) Ibid., p. 155; cf. Spottiswoode, op. cit, II, p. 123



parish minister and session had a corpus of material which gave in detail the Forma ac Ratio of Scottish discipline.

It is not clear just how and in what combinations these documents may have appeared between 1569 and 1587 when the Liturgy and the 1569 orders were brought together into the Book of Common Order (popularly called the "Psalm Book"). It seems quite logical and possible that (before the Melvillian departure from the principles of the first Book of Discipline) the 1569 orders may have been edited with a summary of the 1560 book of discipline. Such a summary existed (Ane Schorte Somme of the Buik of Discipline, for the Instruction of Ministers and Reidaris in thair office) and has come down to us in the Dunlop Confessions.<sup>(1)</sup> David Laing, finding this summary in a manuscript collection, assumed that it was probably from the manuscript that the version in the Confessions was printed.<sup>(2)</sup> But this could just as well have been a printed edition of the Somme which was being followed. Though no earlier printed copies are known, the very fact of summarization and the purpose of general instruction embodied in the title strongly suggest an intention to publish.

If the Somme was published it was after the first publication of the Order of Excommunication and Public Repentance, and was intended for use in conjunction with it. In the section of the Somme which mentions discipline we find these words:

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(1) p. 608 et seq.

(2) Wodrow Miscellany, p. 399

In secreit and privie Faultis the Ordour prescribed be our Maister suld be observed quhair of we neid not wryte at length, seing it is largelie declared in the Buik of Excommunication. (1)

Whether or not the Somme was published, and (if so) whether published with the Form of Excommunication are largely matters of conjecture. (2) An entry on 20th January 1583/4 in the Perth Session record seems to suggest such a composite volume. On this occasion a man was ordered to fulfill "the haill points of repentance prescribed in the Book of Discipline." (3) This could not mean the second Book of Discipline which did not deal with these matters. Nor does it seem likely that it was merely the first book since "the haill points of repentance" were not prescribed there. It could have been simply the 1569 order of excommunication, but the title suggests a book of broader scope. It could not have been the "Psalm Book" because the disciplinary orders were not included in it until the edition of 1587 (after the second Book of Discipline had been adopted by the general assembly). (4) Might not the Perth reference be to an edition of the "Somme" of the first Book of Discipline and the 1569 orders of excommunication and election?

Whatever its various forms of publication may have been, the Order of Excommunication and Public Repentance, collated with the simple,

(1) Confessions, p. 616

(2) Might this not be related to the request made by ministers and superintendents during the March 1572/3 assembly "that the extracts of the superintendent's office registered in the Book of Discipline may be given to the minister of every province, to the end that the superintendent may be tryed thereby, and as that they are found diligent, to be continued or changed." B.U.K. I, p. 266

(3) Op. cit., p. 247

(4) Works VI., p. 292

basic teaching on discipline in the Liturgy, and resting on the principles of the first Book of Discipline became the directory for the practice of discipline in Scotland. This forma retained the official sanction of the assembly even after presbyterianism was established in 1592,<sup>(1)</sup> and until the adoption of the Westminster Confession of Faith by the assembly of 1647.

As noted above, it was the Book of Common Order which brought matters of discipline together in one volume. A glance at the table of contents of the 1587 edition,<sup>(2)</sup> printed for Scotland by the London printer, Thomas Vautrollier, shows the centrality of discipline in the life of the worshipping church (in spite of the heterogeneous and at times obsolete subject matter displayed).

#### The Contentes of the Buke

1. An Almanacke
2. A Calender
3. The Apacte
4. The Feares
5. The Confession of the Christian faith.
6. The Order of Electing of Ministers, Elders, and Deacons, of their office and dutie.
7. The weekly assembly of the ministers.
8. An order for interpretation of the Scripture and answering doubts, observed one day in the weeke.
9. The forme and order of electing the superintendent.
10. An order of Ecclesiastical Discipline.
11. The Order of Excommunication & of Public Repentance.
12. The Confession of the Penitent.
13. The forme & order of Publict Repentance.
14. An admonition of the Kirk.
15. The Forme of Excommunication.
16. A Prayer for the Obsolete.
17. The Sentence of Excommunication
18. The Order to receive the Excommunicant againe to the society of the Kirk.
19. The Forme of Absolution.
20. The Visitation of the Sicke, with a prayer, etc.

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(1) B.U.K. II, p. 589

(2) A copy in Old College Library, Edinburgh. Disciplinary matters also in Schilders edition (Middelburgh), 1594; National Lib., Edinburgh



This was the "Psalme Buik" which (with its later editions) all "that can reid" were required by their local sessions to possess,<sup>(1)</sup> and which kept discipline alive in the local Scottish congregations.

## ii The Origin of the Order of Excommunication and Public Repentance

Since the Order of Excommunication and Public Repentance became the directory for disciplinary practice, a further word must be said concerning its origin. The actual framing of most of the forms must have taken very little of Knox's time because he borrowed so very heavily from John a'Lasco's Forma ac Ratio.

Professor Mitchell has noted the substantial and verbal debt of the Knoxian order to the earlier Forma.<sup>(2)</sup> It is important to note here a number of unmistakable parallels. We continue to see that the a'Lascan order must have had the general approval of many reformers in Britain and on the continent. Its influence on Scottish practice becomes increasingly clear.

### Repentance

#### The Knoxian Form (Works VI, p. 455)

It is first to be observed that none may be admitted to publique repentance excapt first they be admitted thereto be the Sessioun, and assemblée of the ministeris and eldaris; in the which they aucht sharplie to be examinat, what feire and terroure they have of God's judgmentis, what hatred of sin, and dolour for the same and what sense and feiling they have of God's mercies..

#### The a'Lascan Forme (Forme & Maniere, p. 170)

Personne n'est receu a penitence publique, que premierement sa repentance ne soit songneusement examinee par les ministres & anciens de l'Eglise: En sorte que celuy qui veut estre receu a penitence publique, doit premierement donner signification claire et evidenté de vraye & Chrestienne repentance en se des-plaisant & s'accusant de son pech'

(1) Records of Elgin, II, p. 17, entry for 30th June, 1591

(2) The Works of John Knox, ed. James Melville, p. 278

The Prayer (p. 457)

Eternal and everliving God, Father of our Lord Jesus Christ, thow that by the mouth of thy holy Propheites and Apostellis hes plainlie pronounced that thou desirest not the death of ane sinner, bot rather than he may convert and live; etc.

Admonition to the Penitent (p. 458)

You have heard, brother, what is your dewtie towardes the Church, which ye have offended, to wit, that willingly ye confesse that cryme that you have committed, asking God mercie for the same, and so that ye may reconcile yourself to the church which ye have offended.

Admonition (after confession)  
(p. 459)

We have heard, deir brother, your confession, for which we from our hartis praise God; for in it the Spirit of Jesus Christ hath confounded the Devil...

Ane admonition to the Church  
(p. 459)

It is your dewtie, Brethren, to tak example of this our penitent brother: First, that ye be unfainedlie displeased in your owen harts for your sins...

The Thanksgiving (p. 459)

Heavenly Father, fountaine of all mercy and consolation, we confesse ourselves unworthy to be counted amongis thy children...

Priere pour le frere delinquant  
(p. 177)

Nostre Pere celeste, tout puissant & misericordieux, qui par la bouche de les Prophetes & Apostres, as discretement testifié, que tu ne veux point la mort du pecheur, ains qu'il se repente & qu'il viue: etc.

Admonition au frere delinquant & Penitent (p. 178)

Vous avez ouy, frere bien aymé, quel est vostre office envers l'Eglise, par vous offensée, a sçavoir que vollontairement vous reconnoissez la faute de vostre peché, & demandiez pardon a icelle, en la presence de Dieu: & que finalement vous vous reconciliez a elle offensée.

Admonition au frere delinquant  
(p. 180)

Nous avons ouy vostre confession, mon frere, au moyen de quoy, nous sommes tous grandement ioyeux; et rendons graces au Siegneur nostre Dieu, de ceste vostre repentance...

Admonition a l'Eglise (p. 181)

Or vous, mes freres prenex tous exemple a cestuy vostre frere delinquant, & penitent. Premièrement que vous avez en vostre coeur, desplaisance de voz pechez...

Action de graces (p. 182)

Nostre Pere celeste, fontaine de toute misericorde, & consolation non espuisable; nous tous certes ne sommes pas dignes, que tu nous regardes, & moins que tu nous exauces...

The Thankesgiving being  
finished (p. 460)

...the Minister shall requyre of the penitent if that he will be subject to the discipline of the church ...then shall the eldaris and deacons, with ministers...in the name of the hole church, take the reconciled brother by the hand, embrace him, in signe of full reconciliation... Then after shall the church sing the CIII Psalme, so much as they think expedient; and so shall the Assemblie, with the benediction be dismissed.

Après ceste action de graces  
(p. 183)

...le ministre demande a ce frere penitent, s'il ne se veut pas de la en auant, assubiection a la discipline Ecclesiastique, selon la parolle de Dieu... Finalement tous les Ministres & Anciens par ordre, connans les mains au frere penitent l'embrassent deuant toute l'Eglise: & le baisans, tesmoignent leur reconciliation... Et ainsi a la fin toute l'Eglise chante un psalme de ioye a savoir... 103...

Excommunication

Last Prayer before Excommuni-  
cation (p. 465)

Omnipotent, Eternall, and Mercifull Father, who, for that goodwill that thou bearest unto us in Jesus Christ thy deir Sone, wilt not the death and destruction of a sinner, but rather that he by inspiration and moving of Thy Holie Spirit, convert and live...

Priere pour le Frere impenitent  
(p. 194)

Pere eternal tout puissant, & misericordieux, qui selon ta misericorde gratuite, & bone volonte envers nous en Christ, ne veux point la mort du pecheur, ains plustost que par l'inspiration de ton saint Esprit, il se convertisse & viue.

Final steps in Excommunication  
(p. 466)

Brethren, seing that as ye have heard this obstinate and impenitent persone, N., hath so greivously offended against God, and against this holy congregatioun...

(p. 197)

Homes freres, puisque vous voyez que nostre frere; N. impenitent a peche en tant de manieres, contre le Seigneur & ceste sienne Eglise...

Invocation of the Name of Jesus  
Christ to Excommunicat...  
(p. 466-7)

O Lord Jesus Christ, the only and eternall King of all the chosen children, who by thy awin mouth hast

Invocation du nom du Seigneur  
Christ, pour excommunier (p. 197-8)

O Seigneur Jesus Christ, Roy unique et eternal de ton Eglise, qui as commande par la parolle de ta



commanded that such offenders as proudly contemne the admonitiouns of thy Church shall be cast out from the Society of the same...and therefore, in boldnes of the same Heir I, in thy name, and at the commandement of this thy present congregation, cut off, seclude, and excommunicat from thy body, and from our societie...N...The sentence pronounced, and the prayer ended, the Minister shall admonish the Church, that all the faithful hald the Excommunicat as an ethnike...etc.

bouche divine, que ceux qui estans admonnestez de leur peche, mes priseroyent toutes les admonitions que tu as instituees soyent reiettez de la communion de ton Eglise...nous separons & retranchons publiquement en ton nom, puissance, & autorite, cestuy nostre frere impenitent...N... ceste declaration d l'excommunication estant acheuee, le Ministre admonneste l'Eglise comment tous ceux de l'Eglise coiuent maintenir contre cest excommunie, etc.

Thus, beyond doubt, it can be affirmed that in the forms (as well as the methods) of discipline, the Scottish reformers were using the Forma ac Ratio as their basic text.

Yet the Forma and the 1569 Order of Excommunication were far from identical. A close examination of the Scottish order reveals two strata of material. The first block of material (pages 449 to 453, Volume VI of Laing's edition of the Works of Knox) is original Scottish material and deals with serious crimes. The second block of material (pages 453, et seq.) is the a'Lascan order with its careful, slow, spiritual process to be used for lesser offenses. Evidently, the a'Lascan order, while recognized as the ideal process, did not seem completely adequate nor appropriate for all cases in the expanding reformed church of Scotland. Reasons for this double standard become apparent as we examine more closely the process given in the Order of Excommunication and Public Repentance.

### iii The Process of Discipline in the 1569 Order of Excommunication

The 1569 order set forth not only the forms of prayer and pronouncement, but the steps in the structure and process of discipline. This was done with much more clarity and detail than the outlines given in the Liturgy and the first Book of Discipline.<sup>(1)</sup> Since this detailed process remained normative for more than seventy years, it is important to analyze it closely.

There were two basic categories of disciplinary process: (1) corrective discipline--i.e., the process designed to bring the impenitent to a consciousness of sin and eventuating in excommunication; and (2) restorative discipline: the method of returning the penitent to full fellowship in the church--the process of public repentance.

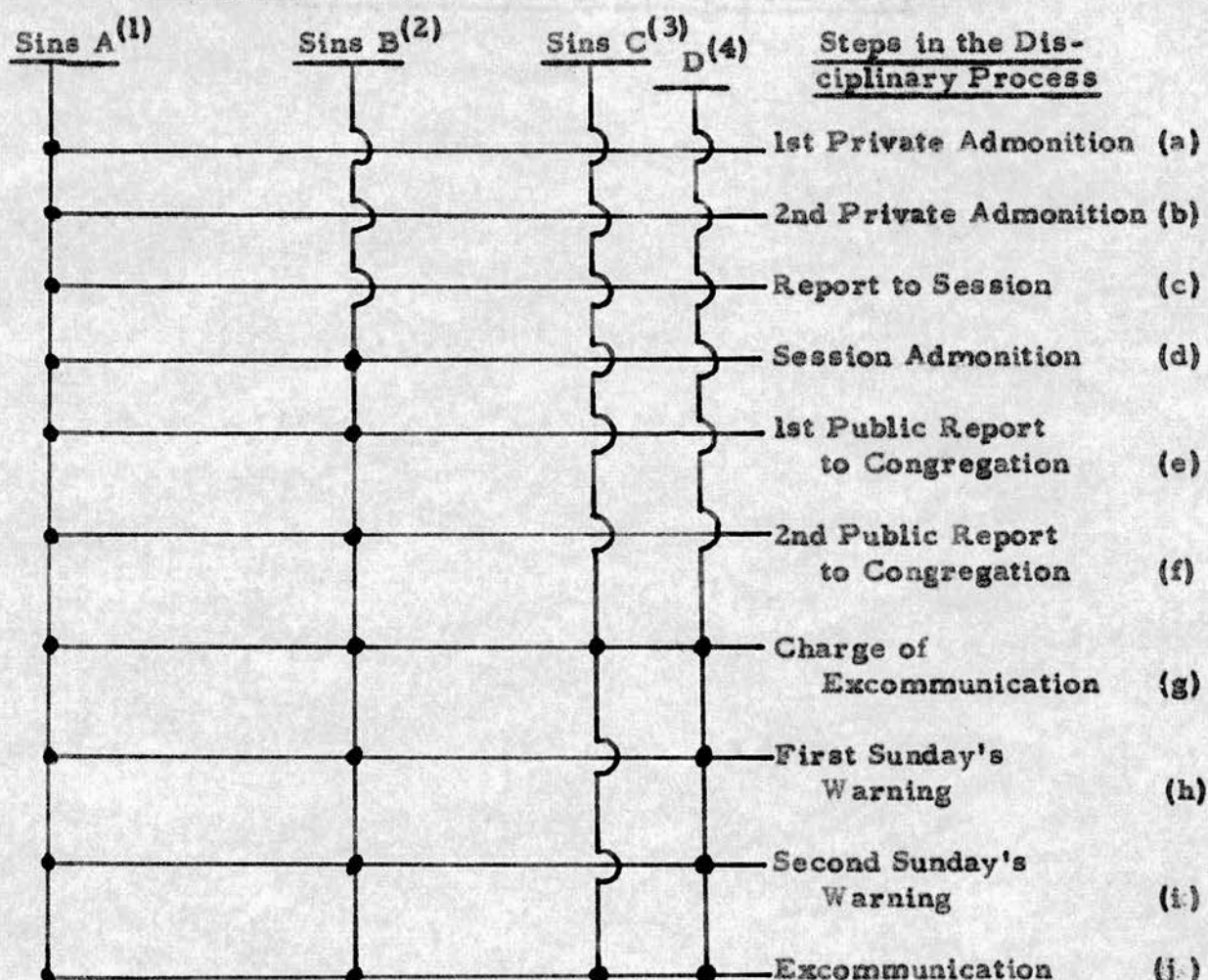
The scope and scheme of congregational discipline can best be grasped by charting it. The accompanying graph shows in comprehensive outline the various categories of sin and crime and the corresponding methods for dealing with each.<sup>(2)</sup> In the 1569 order we find three categories of sin and crime and ten disciplinary steps. It is understood, and it was greatly desired, of course, that the process should not need to move to excommunication, but could and should be interrupted and terminated at any stage and the appropriate process of repentance could then be begun.

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(1) Supra, pp. 30 et seq., p. 45

(2) Infra, p. 180

The Process of Discipline Leading to Excommunication



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- (1) "wanton and vain words, uncomelie gestures, negligence in hearing the preachingis, or abstening from the Lordis Table when it is publiklie ministrat, suspicious of avarice or of pryde, superfluitie or ryotousnes in cheir or rayment: these...and...utheris..." (Infra, p. 181)
- (2) "fornication, drunkenness..., swearing, cursed speaking, chydying, feghting, brawling, and commoun contempt of the order of the church, breaking of the sabbath, and such like..." Ibid.
- (3) "wilfull murtherars, adulteraris (lauchfullie convict), sorcerars, witches, conjuaras, charmars, and gevars of drinks to destroy children, and opin blasphemars, (as if ony renunce God, deny the trueth and the authority of his Holie Word, rayll aganis his blessed Sacramentis)" Ibid., p. 182
- (4) "Apostates to Papistrie." Ibid.



The three categories of sin and the steps of discipline can be identified briefly. The first category of faults (sins A in the chart) was described as evils "less haynous, and yit deserve (ing) admonition."<sup>(1)</sup>

These were enumerated as

wanton and vain words, uncomelie gestures, negligence in hearing the preachingis, or abstening from the Lordis Table when it is publiklie ministrat, suspicioun of avarice or of pryde, superfluitie or ryotousnes in cheir or rayment: these...and...utheris... (2)

Offenses in category A were relatively slight and of a highly individual and personal nature. Yet puritan zeal reached these: "a small offence or sclander may justly deserve Excommunication, by reason of the contempt and disobedience of the offender."<sup>(3)</sup>

Class B were "such offenses as fall not under the Civile Sword, and yit ar slanderous and offensive in the church."<sup>(4)</sup> These ("sum ar more haynous than utheris") were

fornication, drunkenness..., swearing, cursed speaking, chyding, feghting, brawling, and commoun contempt of the order of the church, breaking of the sabbath, and such like...(5)

These were sins of a social and public nature.

It is instructive to note here that Ivo Clark in his A History of Church Discipline in Scotland has traced the development of this distinction between public and private sin through the history of the pre-reformation church. He observes that in the course of time this division

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(1) Works VI, p. 453

(2) Ibid., pp. 453-4

(3) Ibid., p. 454

(4) Ibid., p. 453

(5) Ibid., p. 453

made "for the development into the sacrament of penance on the one hand, and the bishop's court on the other."<sup>(1)</sup> The distinction between private and public discipline is very close, then, to pre-reformation practice, in spite of the hatred of the reformers for auricular confession. Actually, the new element in the reformed discipline was the extension of the officers of discipline to include every member of the congregation in private censure, and elected laymen to share with the ministers in the administration of public discipline.<sup>(2)</sup>

Class C sins were "all crymes that by the law of God deserve death."<sup>(3)</sup> They were enumerated as

wilfull murtherars, adulteraris (lauchfullie convict), sorcerars, witches, conjuaras, charmars, and gevars of drinks to destroy children, and opin blasphemars, (as if ony renunce God, deny the trueth and the authority of his Holie Word, rayll aganis his blessed Sacramentis).<sup>(4)</sup>

This class of sins, recognized as so serious as to be automatically under the surveillance of the civil magistrate, was a considerable enlargement of the serious public sins listed in the Book of Discipline.<sup>(5)</sup> Group C (with its special sub-category D--"Apostates to Papistrie"<sup>(6)</sup>) was a class which remained difficult to define and limit. The tendency of the church was to attempt to get the state to define all sins as crimes against society and therefore punishable by the civil power. We have noted that in this they were, in theory at least, eminently successful.<sup>(7)</sup>

(1) Op. cit., p. 453

(2) It may be remembered that the highly congregational concept of discipline in the first Book of Discipline claimed that primary authority for discipline remained in the congregation and a contingent authority was granted to elected agents. In the second book a higher measure of independent authority was granted to the agents and courts of the church. (Supra. p. 150)

(3) Works VI, p. 449

(4) Ibid.; this special category and process had been determined by general assembly in December 1565, B.U.K. I, p. 74

(5) Ibid. II, p. 231

(6) Ibid. VI, p. 453

(7) Supra, pp. 134, 138

Along with this tendency to move all sins into the category of crime, the new order of 1569 added a second type of excommunication believed to be appropriate for heinous evil. This was called "summary" or quick, automatic excommunication without regular, spiritual process. As more sins became crimes, and as the extension of discipline brought enlarging case loads, greater speed became desirable, and the earlier ideal, careful process must have seemed increasingly inefficient. But with speed came abuse and just complaints that discipline was being distorted.

As we would suspect, the normal, ideal, slow process of congregational discipline is found in the a'Lascan block of material. The new, harsh process with its emphasis on civil penalties and quick excommunication is Scottish. This hardening was prophetic of the direction which Scottish discipline would follow. That the church in 1569 recognized the problems and dangers inherent here is clearly indicated by their retaining the spiritual ideal of a'Lasco and the early disciplinarians, and the attempt of some at least in the church to limit the types of sin to be punished in the "summary" manner. But these proved to be ideals and distinctions hard to inaugurate and keep at the congregational level.

What, then, was the careful process of censure designed to deal with these sins? According to the order of 1569, how ought kirk-sessions to proceed?



There were two primary phases in the ten-step process outlined by the order: admonitions and excommunication. Admonitions (again see chart, page 124) were both private (steps a through d) and public (steps e through g). When admonitions failed, excommunication (steps h through j) followed.

The steps of private admonition, applicable only to class A sins, need no further elaboration because they are identical with the original scheme outlined in the Liturgy and the Book of Discipline.<sup>(1)</sup> But a few words are in order concerning the ideal toward which the reformers were striving since modern critical eyes have come to view this process of discipline as an unforgivable system of ecclesiastical espionage.

The origin and foundation of the progressive degrees of private admonition was, of course, scripture--Matthew 18: 15-17. The leading reformers felt that here they had found a method of correction loyal at once to the over-arching doctrines of the church as the body of Christ and of the individual priesthood of all believers. It was not designed as a spy system but as a means whereby Christian "brothers" might be mutually helpful and responsible for one another. The context was essentially ecclesiastical, but bears a striking parallel to the thinking behind modern socialism.

The Order of Excommunication would be used with the Liturgy which contained a reminder against abuse by the self-righteous and the

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(1) Supra, pp. 30-34

bigoted.<sup>(1)</sup> In Aberdeen this spirit was written into the local kirk-session register: if any person reported an offense to the session and was not able to prove his case, "he salbe punceist in lik maner as the accusit persone suld have bene, in cace he hed bene giltye."<sup>(2)</sup>

The ideal church assumed here was a closely-knit spiritual community in which the members were theologically mature in the reformed doctrine of sin. Private admonition was a part of the responsibility of every member who saw his brother's sin not only as an offense against God and Christ's church, but as typical of his own sin, and who saw his brother's repentance as a reminder of his own need for constant reliance upon divine forgiveness. We can understand that the homogenous, spiritually-minded, theologically trained churches (such as the foreign refugee congregations) may have approached this ideal in practice. But the Scottish congregations in and after 1560 were far from the spiritual unity and maturity which ideal discipline demanded. Inevitably, then, other types of force were needed to compensate for the spiritual vacuum.

When the first two admonitions failed, the final step of private discipline (d) was the "delation" of the contemner to the session who "aucht to call the offender, and, before the complainars, accuse him as weil of the cryme, as of the contempt of admonitioun."<sup>(3)</sup> If the offender was penitent and the session, satisfied, "there nedeth no farther publication of the offence."<sup>(4)</sup> If the offender was impenitent and

(1) *Supra*, pp. 30-34

(2) *Aberdeen Record*, op. cit., p. 10

(3) *Works*, VI, p. 454

(4) *Ibid.*

failed to "satisfy the session," the process of discipline moved into the realm of public admonition, and "contempt" or failure to confess class A faults was treated in the same manner as class B sins.

The basic canon upon which public admonitions rested was stated in the early documents and was reaffirmed by the general assembly of December, 1563. <sup>(1)</sup> It appeared also in the Order of Excommunication: "Public offences requyre publick repentance."<sup>(2)</sup> This was not a reformed innovation based upon the early church only. For several centuries before the reformation, though private confession had become the usual practice of the Roman church, yet public repentance also was known. Ivo Clark cites instances of such public practice in Scotland on the eve of the reformation. <sup>(3)</sup>

In the reformed practice, three steps of public admonition (steps e, f, and g) were scheduled for three successive Sundays, and were designed to give the offender time to reflect and to allow social-ecclesiastical pressure to rise around him. Care was to be exercised. On the first Sunday the sin (but not the name of the person) was intimated to the congregation. If repentance followed, and if the sin had not been heinous and open, the discretion of the session decided whether public repentance was necessary. <sup>(4)</sup>

It was only at the second public admonition that both the sin and the name of the person were publicly expressed. Only then was it

(1) B.U.K. I, p. 41

(2) Works VI, pp. 455-6

(3) Op. cit., p. 50

(4) Works VI, p. 454



declared absolutely that "no satisfaction be receaved bot in publict."<sup>(1)</sup>

The third public admonition (the seventh step in the total process) was the final charge "publicklye to satisfie the church...under the pain of excommunication."<sup>(2)</sup>

As with private so with the public admonitions, the corporate nature of the church and the redemptive purpose of discipline were made plain. The public admonitions were not to be merely announcements to the sinner and congregation, but rather a notification "unto the Churche, and thair judgement must be requirit, yf that suche crymes aught to be suffered unpunischeit amangis thame."<sup>(3)</sup> Also the "most discreit" and "nearest freindis" of the offender were to "call to God for the conversion of the impenitent."<sup>(4)</sup> It was only after the decision of the whole congregation had been reached, and every effort at education and persuasion had been made, that the process of admonitions moved to the second phase--the heaviest of all censures, excommunication. This was made "by the mouth of the minister, consent of the ministerie (session) and commandment of the churche..."<sup>(5)</sup>

Up to the step of excommunication the Scottish procedure in admonitions followed exactly the scheme of a "Lasco. But in the actual method proposed for regular (as against "summary") excommunication,

(1) Works VI, p. 454

(2) Ibid.

(3) Ibid. II, p. 229

(4) Ibid.

(5) Ibid., p. 230; cf. Forme et Maniere, pp. 184-5

the Scottish churchmen diverged slightly but significantly from the Forma. In the a'Lascan order, the excommunication was pronounced on a certain Sunday at least eight days after the last public admonition.<sup>(1)</sup> This would appear to be the scheme intended by the Book of Discipline,<sup>(2)</sup> and (so far as timing was concerned) by the summary method inserted in the 1569 order. Yet the normal, spiritual process in the Order of Excommunication was expanded to cover not just eight days, but a period spanning three Sundays following the public admonition. This lengthening meant that the total disciplinary process leading to excommunication could not be less than seven weeks for sins of classes A and B, and is an even more definite evidence that the framers and revisers of the disciplinary method were eager to stress the care which the church ought to use in moving toward this extreme censure. Here we see the interesting inner contradiction of extending the regular, careful process for sins A and B, while shortening and hardening it for crimes C. Bearing in mind that C tended to swallow B and A, we see the unfortunate trend.

How serious and terrifying was final excommunication meant to be?

Lord Eustace Percy in his John Knox, compares reformation and pre-reformation doctrines of excommunication and concludes that

the Calvinist minister, no less than the Roman priest, might excommunicate the unfaithful member of his flock, but he did not

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(1) Forme et Manier, p. 185

(2) Works II, p. 230. A detail which further indicates the close following of the a'Lascan procedure is that the St. Andrews session used the eight day grace period. (SAKSR I, p. 202, June 1564)

claim to hold the keys of heaven. His sentence might be a social tyranny, but his very insistence on the irrevocability of God's election robbed it of its spiritual terrors. In the old Church, on the other hand, excommunication was not an act of institutional discipline, but a sentence of spiritual death. (1)

This is a statement probably more true of Calvin than of some Calvinists. We must recall that Knox had raised discipline to the position of a necessary mark of the church. It does not necessarily follow that the doctrine of divine election need rob excommunication of its spiritual reality and terror any more than it could rob the visible church of being in some sense a real church, or the Lord's supper of being a Real Presence. Election only made these marks humanly undefinable in an absolute sense. The Scottish documents show an intention to build up a maximum of spiritual reality and fear about reformed excommunication. The formula followed was a Lasco's, (2) not Calvin's.

Perhaps these very dangers inherent in the practices of his disciples led Calvin to limit very carefully his doctrine of excommunication in 1559.

Such as have, therefore, been expelled from the church, it belongs not to us to expunge from the number of the elect, or to despair of, as if they were already lost... We may lawfully judge them aliens from the church, as so aliens from Christ, but only during the time of their excommunication... let us not consign to destruction their persons, which is in the hand and subject to the decision of the Lord alone; but let us merely estimate the character of each man's acts according to the law of the Lord... Let us not arrogate to ourselves greater liberty in judging, if we would not limit the power of God, and give law to his mercy. Whenever it seems good to him, the worst are changed into the best;... this the Lord does, that he

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(1) p. 104

(2) Op. cit., p. 187. For a Lasco excommunication excluded from all hope of salvation unless the offender reconciled.



may disappoint the thoughts of man, and confound their rashness; a rashness, which if not curbed, would usurp a power of judging to which it has not title. (1)

The spiritual and ecclesiastical consequences of Scottish excommunication were very grave and not so theologically circumscribed as Calvin recommended. They manifest an uncontrolled determination to claim for the doctrine of the keys a very real power to bind and loose. For example, the Book of Discipline contains the instruction that, after excommunication, then "must sike a contempnar be pronounced excommunicat from God, and from the societie of his church."<sup>(2)</sup> The form for summary excommunication in the 1569 order contains the phrase: "We... are compelled to draw the sword granted be God to His church; that is, to excommunicat from the society of Christ Jesus..."<sup>(3)</sup> The standard prayer form for normal excommunication reminded the minister and the congregation of the spiritual significance and terror of the act.<sup>(4)</sup>

The Scottish reformers needed to revive the spiritual terrors inherent in excommunication. One of the tenets of the Lollard movement had been that "the thundringis of that Romane Antichrist" was "bot vanity and wynd." They taught that the power to bind and loose was given to Peter only and that excommunication was not to be feared. But Knox

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(1) Institutes, Book IV, xii, 9

(2) Works II, p. 230

(3) Ibid, VI, p. 451

(4) Supra, p. 178

was clear in his reaction:

The danger (of true excommunication) is greater than man can suddenly espy; for seeing that without the body of Jesus Christ there abydeeth nothing bot death and damnation...in what estait shall we judge them to stand, that justly are cut off from the same? <sup>(1)</sup>

Another factor had undermined excommunication and made the recovery of some real spiritual terror important. Pre-reformation "cursing" had led to a mockery of the ministry and ecclesiastical censures. <sup>(2)</sup>

There were other dire consequences accompanying excommunication which would indicate that the reformers were not able to revive sufficiently the purely spiritual terror of the act. <sup>(3)</sup> Ecclesiastical benefits such as the sacraments, public prayers, baptism for children, and marriage were denied until the offender reconciled. Virtual economic and social ostricism also followed. The congregation were solemnly warned "that no man use (the excommunicate's) familiar companie." <sup>(4)</sup> The Book of Discipline was even more explicit: "...no persoun (his wife and familie onlie excepted) may have any kynde of conversatioun with him, be it in eiting and drinking, buying or selling, yea, in saluting or talking with him." <sup>(5)</sup> In original a'Lascan intention this excommunication applied only to church members and meant expulsion only from the ecclesiastical community. However, when we reflect that in Scotland

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(1) Works VI, p. 464

(2) Source Book 2, p. 99 et seq.

(3) A.P.S. IV, 16, 6-7; see infra, p. 218, n. 3

(4) Works VI, p. 467

(5) Ibid., II, p. 230

it was illegal not to be a member of the reformed faith and that many local burgh ordinances (and in fact the action of parliament<sup>(1)</sup>) gave civil support to discipline, excommunication had come to mean banishment from the local community and was tantamount to a loss of citizenship. The net effect of reformed excommunication (where enforced) was both a spiritual and a social terror.

Perhaps because of such dire consequences, it seemed advisable to accept in practice another pre-reformation use of secondary, or "lesser" excommunication. This was exclusion from the sacrament of the Lord's Supper, but not from the fellowship of the ecclesiastical community. In December of 1565 the general assembly took action regarding criminals in category C deserving summary excommunication but who showed a penitent spirit. For these the session might

dispense somewhat with the rigor of the punishment, secluding onlie the offender fra participatioun of the sacraments till farder tryall of his repentance...if the persons secludit from the sacraments be negligent...the kirk, after admonitioun, may proceed to the uttermost. (2)

This became standard practice and later was written into Chapter xxx of the Westminster Confession of Faith as a basic step in discipline. However, such a practice was not true to the theological ideal of the earlier reformers. For them the church of Christ and a pure sacramental fellowship were identical. Exclusion from the latter meant also exclusion from the former. Thus, even though practice officially sanctioned

(1) Supra, p. 138

(2) B.U.K. I, p. 75



by the assembly of 1565 allowed the use of "lesser" excommunication, the 1569 orders do not mention it.

The companion order published with the Order of Excommunication was the Order of Public Repentance. The former was intended to bring the sinner to a consciousness of his sin; the latter, to restore him to the church.

The reformed practice of repentance was set against the pre-reformation doctrine and sacrament of penance or poenitentia. This scholastic dogma, systematized by Thomas Aquinas and redefined by the Council of Trent in 1551, consisted of three acts required of the penitent: attrition, <sup>(1)</sup> confession, and satisfaction. This was followed by absolution. As excommunication represented the power of the keys in the hands of the priest to bind sin in heaven and on earth, so absolution, after poenitentia, was the power to loose sin.

Through the centuries this process had become formalized and externalized. Penitence became penance; penance degenerated into penalties. The Scottish reformers (along with contemporaries elsewhere) endeavored to develop a method of repentance which would avoid these failures of the Roman church.

The Order of Excommunication and Public Repentance carefully eliminated the use of the term penance, always preferring the word repentance. It is doubtful, however, if these distinctions were ever made clear at the local level. The Saint Andrews Kirk Session Register

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(1) Attrition or imperfect contrition. "The Council of Trent...has defined contrition as 'sorrow of soul, and a hatred of sin committed with a firm purpose not to sin in the future.' This...may arise from various motives.... If the detestation of sin arise from the love of God, Who has been grievously offended, then contrition is termed perfect; if it arise from any other motive, such as loss of heaven, fear of hell, etc....then it is termed imperfect contrition, or attrition." This latter was defined also as a gift of God and sufficient to dispose one to receive grace in the Sacrament of Penance. Catholic Encyclopoedia Volume II, "Attrition."

bears witness that the process of repentance was still popularly called penance,<sup>(1)</sup> just as excommunication was often referred to as cursing.<sup>(2)</sup>

Nevertheless, the intention and goal of the reformers was to reemphasize the element of inward penitence or contrition and to carefully revise and limit the outward elements of confession and satisfaction.

The main elements in the process of Scottish reformed public repentance were: (1) satisfaction of the civil magistrate in crimes of class C;<sup>(3)</sup> (2) satisfaction of the injured party in sine and crimes of classes B and C;<sup>(4)</sup> (3) satisfaction of the church (which consisted of petition to, and examination by the session together with a period of probation and the imposition of "paines");<sup>(5)</sup> and (4) public examination, confession, absolution and reconciliation.<sup>(6)</sup>

The insertion of the word "paines" (meaning penalties) seems difficult to justify in a process which meant to emphasize the spiritual, inward nature of true forgiveness. But we have discovered the key to this contradiction in the two strata of material in the 1569 orders.

According to the a'Lascan ideal, offenders having been admitted by the session to repentance were to be "sharplie examinat" for evidence of their fear and terror of God's judgment, hatred of sin, "doulour" for the same, and what "sense and feiling they have of God's mercies."

(1) pp. 29, 302, 579, 697, 723

(2) pp. 23, 36, 41, 92, 308

(3) Works VI, pp. 450-51

(4) Ibid. (also p. 454)

(5) Ibid., pp. 452, 455

(6) Ibid., pp. 452-3, 455 et seq.

Ignorant persons were to be instructed "for it is bot ane mocking to present such to public repentance, as neither understand what sin is, what repentance is, what grace is, nor be whom God's favour and mercie is purchased." Penitents before the session were to be given "sum taist of God's judgements" but "chiefly of God's mercies in Christ Jesus."

The penitent would then be presented before the congregation where, after the sermon, the name of the sinner and the sin were intimated, followed by a short (?) homily on the nature and utility of public repentance not only for the penitent, but for the entire congregation. It was to be a period of corporate self-examination:

If we consider his fall and sin in him only, without having consideration of our selfis, and of our own corruption, we shall profit nothing, for so shall we bot despise our brother and flatter our selfis.

This public "humiliation," which was the core of the satisfaction of the church, was designed to lead to the spiritual profit of both penitent and congregation. Prayers were then followed by an admonition to the penitent courageously to confess his sin with the assurance that the congregation "all repute and esteime your fall (though grevous) to be our owen; we accuse ourselves no less than we accuse you."

After the penitent made his confession (assisted by the minister when necessary), the congregation was led in worship and thanksgiving that

the spirit of Jesus Christ hath confounded the Devill, and broken down his head and power, in that...this strength, submission and



obedience, cannot proceed from flesh and blood, but is the singular gift of the Holy Ghost.

Special warning was given to the congregation to take example, to forget the offences of "our brother," never to accuse him again of any offenses "before this hour committed" and give thanks for his conversion. Then the absolution was pronounced.

If thou unfainedly repentis thy former iniquity, and beleves in the Lord Jesus, then I, in his name, pronounce and affirme that thy sinnes are forgevin, not only on earth, but also in heaven, according to the promises annexed with the preaching of his Word, and the power put in the Ministrie of his church.

Then shall the eldaris and deacons, with ministers (if anie be), in the name of the hole church, take the reconciled brother by the hand, and embrace him in signe of full reconciliation.

The service closed with the one-hundred and third Psalm and the benediction.

For a spiritually mature congregation composed of closely knit members such a practice could be a real means of grace and a moving act of worship. It will be noticed that nothing was introduced here in the nature of external "paines" inconsistent with the reformed ideal or too great an intrusion into the worship service.

However, the omission of one paragraph of a 'Lasco's Forma gives eloquent testimony concerning the problem facing the reformers and their difficulty in attempting to honestly express their ideal. The following words (found immediately after the concluding rubric of the service of repentance in the Forma) unfortunately were completely out

of place in any order to be prescribed in the late 1560's in Scotland.

Ceste maniere simple de la penitence publique, deuant qu'on paruienne a l'excommunication, nous a semble suffire a noz Eglises. Principalement veu qu'elle comprend en foy toutes les choses qui appartiennent aucunement a la repentance salutaire, de toute delinquans: & seruent pour la consolation tant du frere penitent, que pour l'edification de toute l'Eglise. Ce que principalement il faut adviser, en tout l'usage de la discipline Ecclesiastique. Nous ne nous sommes point beaucoup arreste, a ces marques exterieures, qu'on fait vulgairement aux penitences publiques, en robes, gestes, & mines: d'autant qu'el les ne sont sans superstition & trompent souuent par leur hypocrisie, le iugement de plusieurs. Puis elles ne seruent pas beaucoup a adification, & plustost elles appartiennent aux iugemens du Magistrat politique, qu'a l'observation de la discipline Ecclesiastique. (1)

In Scotland in 1569 such a paragraph could not have been included though it might have brought badly needed corrective influence to disciplinary practice. The Order of Public Repentance moved, however, in just the opposite direction. Not only were penitents urged to show signes of grief and "dolour of heart," but the session was given permission "to appoint to the excommunicat such satisfaction as they think most expedient." Evidently this satisfaction was more than persuasion of sincerity moving in the direction of external penalties. This became explicit in the harsher body of material to be used for Class C criminals where practices were required which a'Lasco had warned were not for edification and certainly were foreign to worship.

These penitent criminals, if allowed to live by the civil power,

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(1) Forme et Maniere, pp. 183-4

and if they had satisfied the offended person or his family, were made to wait for forty days' probation before being admitted for public repentance. Then

upon...new suit, the superintendent, or session may injoyne such paines as may try whether he be penitent or not: the least, ar, the murtherar man stand three several Sundayis in a public place before the church dore bare-futed and bare-headed, cled in a base and abject apparell, having the same weapen which he used in the murther, or the lyke, bloody in his hand... (1)

The early assembly records show little hesitation in officially recognizing the mixing of external punishments into the ecclesiastical process. This practice was first mentioned in June of 1563<sup>(2)</sup> and was later amplified.<sup>(3)</sup> Actually, the practice was standard in many kirk-sessions from the very beginning of the reformation with no effort made to combat it. For example, in the organization of discipline in Aberdeen in December of 1562 "certane actis and statutis" were made "for man-tenans of gud manners and extirpatioun of vyce owt of this burgh." These show a deliberate mixing of external penalties with the process of public repentance.<sup>(4)</sup> Congregational discipline was caught in a web of civil power and external penalties from which the original, spiritual theory (still witnessed to by the orders of 1569) would never be able to extricate itself.

The Order of Excommunication and Public Repentance thus presents a double standard in the disciplinary process. The highest goals

(1) Works VI, p. 452

(2) B.U.K. I, p. 33

(3) Infra, p. 242

(4) Op. cit., pp. 4 et seq.



were commendable. The reformers did not want to lose them. But in order to make discipline operate in the late sixteenth century in the average Scottish congregation and community there had to be compromise. Since the goals could not be compromised by the zealous reformers, the methods were. Thus the harsh, external method, with reliance on the assistance of the civil magistrate and the use of "paines," was allowed to creep into the documents of discipline as standard practice. With this double standard and inner contradiction in the Scottish Formac Ratio, it was impossible for Scottish practice ever to rise to the ideal of the original reformed theory.

#### iv Kirk Session Practices

How did practices in local kirk sessions and congregations develop around the Scottish disciplinary documents? How did sessions meet to carry on their work? Was there any real attempt at spiritual care in carrying out the process of discipline? Was the high theory noted in the order of 1569 kept in view as a corrective for the compromise process? A brief glance into a few of the incomplete early kirk session records will answer these questions.

We have already noted that kirk sessions were composed of ministers, elders and, in some cases, deacons.<sup>(1)</sup> These met regularly "to tak attendance to the maneris of the pepill..., that by...privie admonitionis and discipline...(people) may be restrainit fra vice and maid

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(1) Supra, p. 37, n. 3. All three officers sat in the session of St. Andrews. SAKSR, I, p. 195

obedient to the word."<sup>(1)</sup>

Before observing the early sessions at work in discipline, a word may be added to explain the presence of deacons in the sixteenth century Scottish sessions--a fact which was somewhat embarrassing to later presbyterians who were eager to reduce the percentage of lay persons in ecclesiastical courts and wished to bring the Scottish practice into conformity with Geneva.

The most direct factor of influence here was the scheme of John a'Lasco. The Polish reformer described the deacon's office as consisting of two functions: (1) first and foremost, to collect and distribute alms, but (2) second, to "add the weight" of his presence and opinion in matters of discipline.<sup>(2)</sup> This definition of the office parallels exactly the functioning of the early Scottish deacon. The deacon was not supposed to have the power of voting, though this rule may not have been strictly followed. As late as 1601 the presbytery of Aberdeen had to pass a regulation that "nane haiff vote in the sessioun bot onlie the ministeris of the kirk and eldaris..."<sup>(3)</sup>

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(1) Stirling Kirk Session Record, p. 127

(2) Forme et Maniere, pp. 230-31. Incidentally, it may be noted that a'Lasco wanted the deacons under the constant surveillance of the session since such a ministry is "subject to much suspicion." This close supervision would have been especially beneficial in Scotland had the deacons assumed partial responsibility for handling the vast kirk emoluments as recommended by the first Book of Discipline.

(3) Records of Presbytery of Aberdeen, p. 179

The strategy by which a session was formed and discipline inaugurated has been described.<sup>(1)</sup> The close integration of the civil and ecclesiastical jurisdictions has become clear, as we saw leading burgh magistrates sitting as elders in kirk sessions assisting ministers toward the goal of bringing the "hail inhabitants" of their respective communities to discipline.

Sessions seem to have recognized that a distinction between civil and ecclesiastical government ought to exist and be maintained. In a case of perjury and theft which came before the Perth session on 16th April, 1582, the session ruled that since this action did "not pertain to the ecclesiastical senate, they find themselves not judges competent to the same; therefore, with one consent, they refer the said actions to the baillies as judges ordinary to the same."<sup>(2)</sup> Yet this distinction was never really clear. At times the session, treating the magistrates as distinct, made "supplicacione to your honorabyll wysdomis, most ernistly requestyng of your dewetie, and authorite of your offices."<sup>(3)</sup> But, when the session was able to usurp the authority of the magistrates, they often simply "ordain(ed) the baillies to put (two men guilty of assault) in ward for their disobedience, there to remain until the assembly send for them."<sup>(4)</sup> There was repeated confusion at this point.

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(1) Supra, p. 106 et seq.

(2) Spottiswoode Miscellany, p. 228; cf. Perth Record, p. 277

(3) SAKSR I, pp. 195-6

(4) Perth Record, pp. 240-1



However, the work of discipline went forward. The process in the landward areas was modified somewhat and depended more on the superintendent.<sup>(1)</sup> But in the major towns discipline was under the supervision of the session where the custom was to divide the burgh into four areas or quarters. Elders and deacons were assigned to supervise each of these.<sup>(2)</sup> They might work only as ecclesiastical officers, or probably more often with the assistance of a bailie.<sup>(3)</sup> It was not unusual for the session simply to send the bailies about the towns to execute their disciplinary edicts.<sup>(4)</sup>

Sessions did not forget that before they could effectively discipline others, they must begin with themselves. Knox had warned that not only did the people need careful supervision, but ministers, elders and deacons must exercise self discipline.<sup>(5)</sup> Undisciplined office-bearers had been one of the glaring deficiencies of the pre-reformation church.<sup>(6)</sup>

The democratic foundations for the discipline of kirk sessions must have commended them to the communities in which they worked. From the beginning, though part of the discipline of office-bearers was handled by the superintendents and the church assemblies,<sup>(7)</sup> elders, ministers, and deacons were never very far from the control by their own

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(1) B.U.K. I, p. 74 5; *Infra*, p. 233

(2) *Perth Record*, pp. 243-4; *Elgin Record*, p. 20; SAKSR, II, p. 805

(3) *Elgin Record*, p. 14

(4) *Aberdeen Record*, pp. 26, 115

(5) *Works II*, p. 233

(6) *Supra*, p. 8, et seq.

(7) *Infra*, p. 233

congregations. For the framers of the Liturgy and the first Book of Discipline, the fundamental authority and real center of power in matters of discipline was the whole church. Thus ministers were elected by the congregations; <sup>(1)</sup> elders and deacons were not only elected by the people but forced to stand new elections each year, "least that by long continuance of suche officiaris, men presume upoun the libertie of the churche."<sup>(2)</sup> This congregational control so rooted itself that, even when presbyterian polity later opposed it, the annual election of elders and deacons continued into the seventeenth century in many places. <sup>(3)</sup>

But congregational discipline of the session was even more direct than yearly control by election, and here again it was a 'Lasco's order which was followed in many Scottish towns. The Forma ac Ratio recommended that, in addition to their own regular assemblies, the session should meet with the whole church membership in four special assemblies each year to receive complaints which members might wish to register. <sup>(4)</sup> This was the early Scottish practice in some towns at least as evidenced by an entry in the records of Aberdeen for 12th April, 1568.

(The whole assembly) ordainis tryall and examination of the minister, elderis, and dyaconis, and redar, to be had off thame, off thamselvis, concernyng thair liffis and conversation, according to the use of uder kirkis. <sup>(5)</sup>

(1) Works II, p. 192, with "approbation of the learned ministeris."

(2) Ibid., p. 234. This is reminiscent of the new discipline at Frankfort, *Supra*, p. 80.

(3) SAKSR I, xcvi; Perth Record, p. 229; Selections from the Records of the Kirk Session, Presbytery and Synod of Aberdeen; pp. 123, 146, 149, 245, 246.

(4) Forme et Maniere, p. 228

(5) *Op. cit.*, p. 14

This practice was being followed in 1573/4, and in January no one complained against any member of session.<sup>(1)</sup> In Elgin, as late as January, 1592/3 "all the inhabitantis of the burgh...war summonit to compeir this day befor the minister and eldaris of the same for the descharging of thair conscience."<sup>(2)</sup>

In the capital, Edinburgh, the "haill brethering" of the city met in "Generall Assemblay" in the tolbooth on 3rd May, 1574. The ministers were removed and charges from the people requested. Then complaints against elders and deacons were sought. At this particular meeting the whole assembly judged an elder, Robert Gurlaw, guilty of slander. It was questioned whether his repentance should be processed in the general city assembly or in his own congregation. The latter was recommended.<sup>(3)</sup>

This procedure was not entirely ruled out by the change to presbyterian polity. At a visitation of the kirk of Holyrood House by a commission of presbytery, 26th September, 1598, we note that

after inquisition takin be the eldaris, deaconis, and rest of the congregatioun quha were present, of thair doctrine, lyf, of thair wyfs and famileis, as also of thair discipline; it was reportit thair doctrine was sound, thair lyf honest, and in discipline thai wer faythful. (4)

Such was the early discipline of session members. Of course, not all men were saints nor enthusiastic disciplinarians. Elgin presbytery

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(1) Aberdeen Record, p. 16

(2) Elgin Record, p. 28

(3) Buik of General Kirk of Edinburgh (Maitland Club, Vol. I), pp. 99-100

(4) Wodrow Miscellany, p. 464; cf. Elgin Record, p. 41



on 3rd August, 1599, "lament(ed) the coldnes of sum of the elderis (and) exhort(ed) thame to be mair fervent."<sup>(1)</sup>

Occasionally sessions faced embarrassing situations where it was very difficult to administer discipline without respect of persons. In December of 1585 the Elgin session had to deal with no less a person than James Douglas, an elder and also the provost. Douglas confessed to the sin of fornication and agreed to obey the injunctions of the session. But he added, with doubtful piety, yet with a theological perspective sadly absent in most other cases,

that in respect repentance consisted not in the externall gestour off bodie, a publict place oppoyntit for the samyn but in the hart of whilk he had God and his awin conscience giveing him witness, desyrit to keep his awin plaice (rather than the repentance stool) the tyme of the preaching and the sermoun, to compeir befor the minister to declair the confession of his (sin) and penitent mind...<sup>(2)</sup>

The session seem to have been swayed: they needed Douglas "to repair the north windak forgain the pulpeit!"

The session of St. Andrews in 1595 gathered together a set of regulations to guide their conduct in office. A brief summary of these will allow us to see the nature and scope of their work and also some of their problems.

1. They promised to oppose "all idolatrie, blasphemie, disordour, and all uther thingis contrar to the Word of God and forme of discipline resavit conforme to the Word of God."
2. When any scandal is heard, "thai sall, without hetred favour or effectioun particular, declair the samyn to the ministeris...."

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(1) Elgin Record, p. 74

(2) Ibid., p. 4

3. They "promissis faithfullie to convey upon Weddinsday ouklie to the sessioun," and to pay fines for absence or tardiness.
4. "Ilk elder and deacon sall compeir with his awin quarter to catechisme."
5. "Elders and deacons of ilk quarter sall tak tryall of all faultis and enormiteis within thair awin quarter" and then confer with the minister to determine which are private and which, public.
6. Session members are to check on the sick, strange, vagabond, beggers and women who live alone.
7. They promise that all session conclusions "salbe kepit secrete."
8. In session "ane onlie sall speik as he salbe requirit," with fines for arguing.
9. Elders and deacons promised that "ilk day tyme of precheing and sermone, alsueill on Sondag befor and eftir none, as utheris dayis tyme of sermone;" they would "pas furth throche town and boundis of this citee...and report transgressouris to the sessioun." (1)

Although this list bristles with determination to protect the "forme of discipline," betraying the concern of St. Andrews' session with the current national political situation,<sup>(2)</sup> yet on the whole it reflects the broad concerns of leaders with matters of worship, education and morals. It shows a serious determination to find the law and order which were so badly needed in lawless and immoral sixteenth century Scottish life. No doubt the keys to success in the establishment of discipline in Scottish communities were the facts that the agents of discipline (the session members) were of the people, subscribed to discipline themselves, and filled a real and basic need.

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(1) SAKSR II, pp. 804 et seq.

(2) Supra, p. p. 157

Turning from the session self discipline, later termed "privy censures," to general congregational discipline, we remember that the ideal of a reformed commonwealth was the basic goal of the reformers--a completely controlled, morally fruitful, religious society. The reformers were concerned with both "Tables" of the Law--with the first table (man's relationship with God) as well as every possible area covered by the second table (man's relationship with his fellow man). The early session records evidence this broad scope of concern. Every person was required to "exercise his religion," and enormous pressure was exerted to bring conformity in matters religious as well as in matters moral. Theologically, this was loyal to the opposition of the whole reformation to the Pelagian doctrine of salvation by works. Good works could only follow pure religion. Certainly the Scottish reformers were right that there must be a living root and vine of pure religion to produce good morals and good works. Where they were wrong was in the assumption that discipline could force life into the root and vine. Calvin, as we have noted, became aware of the danger of this fallacy.

In general, a policy of careful training and persuasion was first used to bring people to "submit to the discipline of the kirk." The St. Andrews session (14 March, 1581) was "willing to wyn synneris wyth quietnes rather nor severite to repentans, evir hoping from day to day willing obedience and satisfaction."<sup>(1)</sup> But this did not mean that individuals had real freedom to disagree with the reformed faith or to remain long without it.

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(1) SAKSR I, p. 473



On 12th November, 1568, the St. Andrews session expressed their policy in writing:

Transgressouris againis the religion, quha cummis nocht to heir the word of God (are) to be first handellit and travellit with gentilly, gife be ony meanes possible thay may be won, udervais to proceed againis tham according to the actis of the Kirk and Parliament.<sup>(1)</sup>

By every means available people were forced to confess their faith via the reformed church and to nourish their minds and spirits upon the Word and Sacraments.

Catechism was one of the chief means of religious education and was the regular responsibility of elders and deacons.<sup>(2)</sup> A marriage was stopped in Glasgow until the man learned the ten commandments, the Lord's Prayer and the creed.<sup>(3)</sup> In Perth, since most young couples who came for marriage were "almost altogether ignorant," they were required to study before coming before the session to gain approval for marriage.<sup>(4)</sup> In St. Andrews couples were fined if they asked for marriage without knowing the essentials of the faith.<sup>(5)</sup>

Yet, the central source of spiritual knowledge and support for faith was believed by the reformers to be the Sunday and week-day worship services. These were buttressed, of course, by a strong emphasis on family religion and special public fasts in times of emergency.

Worship and sacramental participation were required and this demand had parliamentary sanction.<sup>(6)</sup> In well ordered reformed areas

(1) Aberdeen Record, p. 15

(2) SAKSR II, p. 805; Perth Record, p. 273

(3) Glasgow Record, Pitcairn miscellaneous record.

(4) Record, p. 235

(5) SAKSR II, p. 8794

(6) Oct. 8, 1579, APS III, p. 138

a practice similar to that of the session of Perth was followed. On 8th January, 1582/3 the session ordained "that an elder of every quarter shall pass through the same every Sunday in time of preaching before noon, their time about, and note them that are found in taverns, baxters' booths, or on the gates and delate them to the assembly."<sup>(1)</sup> In St. Andrews, where we find the same practice, the zealous elders hurried back to the church to catch any who might try to sneak from the service before the benediction.<sup>(2)</sup>

Such a policy might have insured church attendance and external conformity. That it left much to be desired as far as real worship and faith were concerned, and that it promoted hypocrisy can be noted in an entry in the Stirling record for 15th December 1597 in reference to a previous sacramental service. The people, it seems, had been very remiss "at the last ministrations of the Lordis Supper, in rash and suddan cumming to the tabill, spilling of the wyne, and in thrusting and shouting in their passage out of the kirk-dur affir the ministrations."<sup>(3)</sup>

Policing the church services became increasingly necessary. In Perth, the bailies were ordered to be in their seats to follow the minister's instructions in case of disturbances.<sup>(4)</sup> The Elgin session seem to have had difficulty with laughing during discipline, preaching and prayers,<sup>(5)</sup> and at times arguments started in church which the minister was unable to handle by himself.<sup>(6)</sup>

(1) Perth Record, pp. 243-4; cf. St. Andrews, *supra.*, p. 142

(2) SAKSR II, pp. 806-7

(3) Stirling Record, p. 129

(4) Record, p. 266.

(5) Record, p. 62

(6) Ibid., p. 64

The sins and crimes of the "second table"--the moral area--received constant attention from kirk sessions. They need not be listed in detail since they have already been designated in the categories outlined in the Order of Excommunication,<sup>(1)</sup> and several of them will appear in the records which follow.

Enough has been noted to verify the immense chasm which existed between the actual life of the average sixteenth century Scot and the spiritual and moral demands of the new reformed church. In view of the enormity of this gap (which discipline was designed to bridge), it is doubtful whether the careful, ten-step spiritual process ever seemed efficient enough to cope with the situation.

Yet the St. Andrews record does give one such process in great detail. It may be instructive to present it in abridged form because it does demonstrate an awareness of the manner in which discipline ought to proceed.

The process began on 10th May, 1564 when John Bycarton,<sup>(2)</sup> a substantial citizen of St. Andrews, offended the church by calling the whole order of the reformed practice into question. He was delated to the session (step c, page 180) for his "offence and slander" in refusing to have his baby baptised according to the new form.

The first act of the session (step d) was to call B. before their ministry for admonition. However, before the session could utter one

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(1) Supra, p. 181 et seq.

(2) SAKSR I, pp. 194 et seq.



word of accusation, with "all reverence set asyd, stubburnly, wyth pertinacite, (he) affirmit and mantenet his contempt of the order:...

'I hav nothing to do wyth yow nor yowr order, it is nocht grundit upon theScriptur, it is but idolatre inventit be the braen of man!'"

These words stirred the session, but John answered their demand that he "submit hym to discipline" by stubbornly departing against their order.

To reinforce their next step, the session sent a strong supplication (printed in full) to the magistrates "requesting thaim thar dewetie" to bring B. to the "obedience of the Kirk." The session made clear to the magistrates that their lethargy would mean an "evyll exempill" set for others, and the necessity for the extreme censure of excommunication.

On the 24th of May, the session, hearing that the magistrates had been ineffective and that John had added to his contempt by criticizing the usual preparatory instruction for the Lord's Supper, decided on a further, friendly educational approach. First a deacon, then elders and deacons summoned the offender to "confer wyth thaim brotherly wyth quietnes anent all contraversies." Of course, the elders' summons included the warning that if B. showed contempt, the first public report (e) would be made to the congregation. He was clearly told that if he did not report to the session Wednesday, 31 May, to "underly discipline" they would proceed "on to the third (steps f and g) admonicion agains hym: and gyf he persistis in his contemptis, excommunicacion (j) to be pronounced aganis him."

These brotherly approaches worked no better than the initial threatenings of the session and magistrates. Therefore, the various official summonses were given in order to the reader, George Black, each bearing the official "sayll of the said ministerie at Sanctandrois." The edicts were read to the congregation and turned back to the session with his "endorstation." The first public admonition was read Sunday, 28th May; the second, 4th June; and the third, 11th June.

The 18th June was designated as the day for preaching upon the dangers of excommunication. This was followed by "awcht dayes of mercy" granted for family and friends to bring pressure to bear upon him and to give opportunity for any congregational complaints against the process to be registered. None came.

At the following session meeting it was decided that, partly because of the "gravite of excommunication and partly for other causis movying the ministerie," the execution of the final censure should be delayed "quhill returnyng of the minister fra the Generall Convencion of the Kirk (in Edinburgh), 26th June, 1564)." The final sentence of excommunication was pronounced 9th July (three weeks after the original public announcement of the act) by Christopher Goodman, minister.

It may have been only coincidental that this process followed exactly the Order of Excommunication (published later in 1569 and under discussion at the time of the above mentioned general assembly). But quite likely experience here and elsewhere lies behind the lengthened process outlined in the order.

From the point of view of the ideal a'Lascan process outlined in the Order of Excommunication, this disciplinary action is as near the goal as it was possible to get in the sixteenth century. The magistrates were called to the aid of the church, but they seemingly refused to use external legal or punitive pressures to force conformity. Thus the session was left to "spiritual" censures only, and the offender retained real freedom to accept or reject them.

The final result was satisfactory from the church's point of view.

On 7th February, 1564/5 John B. appeared before the session to ask for public repentance and satisfaction. The sentence of excommunication had brought dire consequences in that John had "sustenit gret dampnec and disays in guddis and body." The economic factor plus illness (which was interpreted as divine justice descending upon John for "adhering to the consall of the ongodlye") conspired to bring him to repentance.

From a modern point of view, this leaves much to be desired. Yet within the limits of ideal reformed discipline these pressures were legitimate. The session were genuinely happy to accept B.'s repentance: there was "gret rejoycing of the hartis of the said ministerie present at that tym."

On 11 February public repentance was announced. Anyone objecting could appear before the session on 14th February. None came, and the 18th February was set for the public service which followed the procedure



and spirit of the ideal discipline

...the ministerie tharfor at this present dispensis wyth all rigor, and ordenis the said Jhon, this nixt Sunday, the xviii of Februar, at the end of the sermon befoir nun, in the public assemble of the congregacion, his offencis brevely being repetit be the minister, to acknowlege the same and promys obedience in tym cuming to the lawfull ordinance and voce of the kyrk, humyll hymself on his kneis, ask God mercye and the congregacione forgyfnes. This don, the minister sall fyrst resave hym be the hand in the pulpot quhar he standis, and syne sall appoynt hym to pas to sa money of the eldaris as salbe deput to syt together for that purpose; quhilkis in the name of the kyrk sall resave hym and embrace hym as thar brother to the unite of the kyrk. And last of all the minister sall geve thankis to God for his conversione, and mak public prayeris for his continuance, according to the purpos, as the Spirit of God sall move his hart for the tym...Thir premissis war deuly fulfillit in all poyntis be Ihon Bycartoun the xviii of Februar.

There is much to criticize here, and possibly, had Bycarton not been ill, external humiliation and punishment might have been added. Yet, the high ideal of the reformers had been reached in this particular process. Perhaps this is the very reason for the detailing of this rather lonely process - almost unique as it shines against the background of other cases.

From both session and assembly records it is at first surprising to note that the extreme censure of excommunication was used very infrequently. Only occasionally was normal excommunication (as against summary excommunication) used. For example, in the year 1568/9 in the St. Andrews record twenty-five cases are reported. Excommunication was threatened in seven cases and pronounced only twice. In 1595 in twenty-two cases there were no excommunications and no threats. This cannot be explained by assuming that the community had been

morally and spiritually transformed. It may be accounted for partially by the fact that presbytery in the latter part of the century tended to take over much of the power of excommunication,<sup>(1)</sup> though this never removed the right of particular sessions to pronounce excommunication in their own sphere.<sup>(2)</sup>

But the most likely explanation for infrequent excommunication is that external pressures forced offenders back into conformity before the process could reach excommunication. All the early records give clear evidence that reconciliation to the church was ordered by the session, was accompanied by fines, imprisonment, and surety (monetary insurance provided by friends or family to guarantee that the offender would reconcile<sup>(3)</sup>). This was a perversion of the ideal. Repentance moved from a process of spiritual restoration toward public "humiliation" and punishment where the offender was no longer a fellow-sinner, but a "spectacle." In other words, reformed public repentance fell back into the system of penalties familiar in pre-reformation discipline.

This custom of exacting ecclesiastical-civil "paines" was formalized in the Forms of 1569 as we have noted. It seems to have had its first official sanction in the case of one of the strongest reformed ministers, Paul Methven,<sup>(4)</sup> whose gross immorality marked him for heavy and exemplary censure. A commission of asembly in June 1566 determined

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(1) *Infra*, p. 244

(2) B.U.K. II, p. 666

(3) *Perth Record*, p. 240

(4) *Supra*, p. 117, n. 1

that he should appear in the church in Edinburgh on two successive Sundays to stand at the church door "clad in sackcloath, baireheidit and baire footit," until time for the sermon. Then, during the preaching, he was to be "placed in public spectical above the people" The following Sunday he was free to ask forgiveness, be clad in his own apparell and be received into the church. This same process was to be repeated in Dundee and Jedburgh; he was to be secluded from the ministry, and for six months from the sacrament; and must report with testimonials of good behavior at the next assembly. <sup>(1)</sup> It is little wonder (as Knox reported) that Paul "took it very grievously, alleadging that they had used over great severity" and that the process was an "offense to many." <sup>(2)</sup>

In the Forms of 1569 this process was to apply only to those guilty of very serious crimes (class C). However, the harsh, punitive spirit infected the whole process of restorative repentance and became used more and more for lesser sins as well as for great crimes. Fines became standard "spiritual paines" justified because they were used for the poor. <sup>(3)</sup> Imprisonment and other forms of medieval punishment could hardly claim to be merely the satisfaction of the civil magistrate because they were ordered frequently by the session; <sup>(4)</sup> at times the church tower was used as the prison with the bedel doubling as the keeper of the prison. <sup>(5)</sup>

(1) B.U.K. I, p. 80

(2) Works II, pp. 531-2

(3) B.U.K. I, p. 33; SAKSR I, p. 317

(4) Perth record, p. 236

(5) SAKSR I, liv, pp. 417, 421, 427-8



In Elgin, the instruments of punishment were actually moved within the church fabric. Minuted in the record is the case of an adulteress who on the 26th of May 1587 was ordered "to enter within the kirk and stand in the ...joggis in the north vest nauke of the parche kirk" for four Sundays or longer until "sum tokens of repentance" could be seen.<sup>(1)</sup> When this proved fruitless, the session, "forseeing the decay of all discipline and gude ordour incaice sic sclanderous persons remain, "ordered the offender "of new banesit with the marke of ane iron upon her chiek," and to be brought to an assize if she dared return.<sup>(2)</sup>

The standard practice for the final humiliation of penitents was the "stool of repentance" upon which offenders sat in full view of the congregation in various ludicrous costumes. The type of costume and the location or "degree" of the stool indicated the type of sin or crime. These graded penitent stools were no doubt like the one ordered in Perth to occupy "a public place...and in it certain degrees, that therin (offenders) may be distinguished and better discerned both by their place and habit."<sup>(3)</sup>

The reaction of persons to such humiliation was not likely to be genuine repentance. When Margaret Marr, for instance, tried to hide one Sunday in Perth on the back side of the penitent stool with her face covered, and the officer (perhaps an elder-magistrate) attempted to remedy the situation, Margaret "uttered words against him in a bitter

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(1) Elgin Record, p. 8

(2) Ibid., p. 12

(3) Perth Record, p. 284; cf. SAKSR I, p. 11; Elgin Record, p. 16

manner."<sup>(1)</sup> The other extreme reaction must also have been prevalent as typified in St. Andrews when it was necessary, in 1579, to order penitents to "ascend and descend... (the stool) moderatelie..."<sup>(2)</sup>

The term "spiritual censures" thus became emptied of meaning both by its civil connection and by its punitive character. Excommunication really was not needed in most ordinary disciplinary processes where there was concurrence with the civil magistrates. And where civil assistance was lacking (particularly in the landward areas) excommunication probably meant very little anyway.<sup>(3)</sup> It was summary excommunication which was most used and most abused. Since this was largely executed in conjunction with the higher courts, it will be noted in the concluding chapter.<sup>(4)</sup> Normal excommunication really became appropriate for only one class of persons--the civil magistrates upon whom the session could enforce no civil punishment. There was considerable threatening here--but threatening was all sessions could do.

#### v Summary

What, then, can be said for discipline in the kirk sessions of the sixteenth century?

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(1) Perth Record, p. 280

(2) SAKSR I, p. li, 441

(3) APS IV, 16, 6-7. This act notes that in 1593 there was "little concurrence of the magistrates" in the "Landwart Paroches" leaving the church with "na uther punishment in their hands bot spiritual; the quhilk the said obstinate people... feels not, nor serts not by."

(4) Infra, p. 244

The serious ideal of the original Scottish (a'Lascan) orders was laudable. The goal of a Christian community, of a well-ordered church and ministry, of spiritual growth and high morality, of law and order--these were the ends of discipline, and they were good.

Probably the most valuable practical contribution to the nation were the kirk sessions. These democratically elected and controlled church officers brought religion and the ministry close to the people. This had been one of the great lacks in the old church program.<sup>(1)</sup> Furthermore, sessions formed the leverage for law and order in a lawless age and nation as they acted both as a conscience for the magistrates from the crown down to the local provosts, and as they took the legal process into their own disciplinary structure. The value of this to the nation is often lost as history usually focuses upon the more clamant aspects of the current church-state controversy.

But we have seen that this was both the triumph and the defeat of discipline. As kirk sessions took on more and more the role of courts, and discipline more and more of the aspect of legal process with punitive measures, the original spiritual theory and purpose tended to be lost. Externalizing of discipline, as a'Lasco had warned (and as at least the provost of Elgin was aware) did not edify the kirk.

The usual apology to account for this perversion and loss is the "spirit of the times" and the "social state of the people."<sup>(2)</sup> There is

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(1) *Supra.*, p. 11

(2) Hay Fleming, *SAKSR* I, p. cii



truth here. Yet the Scottish leaders are culpable to the extent that, recognizing the ideal and formalizing it in the order of 1569 as well as in the earlier documents, they permitted the compromise process to become normative. They accepted the moral challenge, but refused the theological challenge. Their compromise came in the area of method reflecting a lack of patient faith in the actual power of God and Christian fellowship to produce moral fruit and a healthy church and nation.

Guidance was given, but refused. Calvin warned vehemently against forcing the sovereignty of God into human forms; against spirit-breaking rigor in discipline, and against using the law of scripture as a canon for every particular human situation.<sup>(1)</sup> Archbishop Cranmer, John Whitgift and Richard Hooker, among the great English divines, debated the whole concept of law and its relation to faith. Their careful distinctions between natural (moral) law and positive law could have deterred the Scottish churchmen from their externalizing and legalizing of discipline.<sup>(2)</sup> But the Scotsmen did not follow contemporary theological

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(1) Institutes IV, i, 13-15; IV, x, 30

(2) Works of Archbishop Cranmer, pp. 326, 447 et seq.

The careful distinctions between natural and positive law and between civil and ecclesiastical positive law were not easy for the Scottish churchmen. Knox had set the tone (as Hooper had for English puritans). For Knox all laws had once and for all been made by God in "the parliament of heaven." Both civil and ecclesiastical laws were minutely given in scripture and were directly the province of the ministry. This absolute identification of laws with scripture, then, created the unfortunate bias which became the basis upon which the Melvillians could claim that every detail of ecclesiastical polity was really doctrine to be controlled by the clergy exclusively. (See Davidson's letter to Q. Elizabeth, 18 June, 1589 where he speaks of "the points of doctrine which concern discipline." Calderwood V, p.76.

leadership and therefore their discipline failed its own ideal. The results have become apparent and may be summarized as follows:

(1) Discipline became a gross intrusion in worship. When discipline lost its original setting of spiritual, congregational, brotherly support and became a system of inquisition and humiliation, it became a major distraction in worship.

(2) This perversion encouraged spiritual hypocrisy. Hay Fleming quotes a letter from a sermon preached by a minister in Edinburgh about 1590 which is eloquent evidence of the all too frequent absence of true repentance.

... This condemneth all the penitents of our age, all the feined repentances that are drawin out of yow be force of argument and reason, and ar not wroucht be the Holie Spirit. That repentance may weill satisfie a visible kirk and put off for a tyme, bot it will nevir satisfie the pearceing eye of a living God, quho luikis the hairt and mynd, and is not content with a schadow, but cravis ane unfained remorse, weiping and tearis. Theirfoir they that repent fainedlie, out of questioun they aggredge thair awin dampnatioun; for they cum not to glorifie God, bot to mok him in his face, and so they repoirt a hevier judgement. Ather thairfoir repent trewlie fra your hairtis, or hold away your confessioun. The thing that ye do, do in sinceritie, that as ye ar humbled outwardlie in your bodie, so your soull may be humbled inwardlie befor the living God. Ye may will geguyll us, bot ye will not beguyll the living God. (1)

(3) Moral zeal obscured true faith and evangelical purpose.

George Cranmer's criticism of discipline in England in 1598 could have applied to Scotland as well:

The chiefest labour of a Christian should be to know, of a minister to preach Christ crucified; in regard whereof... things otherwise

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(1) SAKSR, lxxxix, note 2

precious, even discipline itself is vile and base...now, by the heat of contentioun...the zeal of men towards the one hath greatly decayed their love to the other...Preach Christ crucified. (1)

(4) This theological loss was accompanied by a loss in fellowship in the church. Perhaps this might have been remedied had the Scottish church been a four-marked church instead of a three-marked church. In the Catechism of Edward VI the fourth mark was "brotherly love, out of which, as members of all one body, springeth good will each to the other." (2) Knox and Scotland needed this mark.

Because discipline became too much involved in matters of polity at the national level, and with an absolute, rigorous system of penal controls at the local level, the original theory was never seriously nor consistently practiced. It lost its theological moorings and became obnoxious in much of the protestant world of the late sixteenth and the seventeenth centuries. Even the Westminster divines, who were descendants of the early Scottish and English disciplinarians, shied away from the word, (3) and not even deeply devoted, mediating churchmen of the caliber of Richard Baxter could recover the word or the broad, basic theory for the English-speaking protestant world. (4)

(1) Hooker, op. cit., p. 554

(2) Supra, pp. 73

(3) The word discipline appears only three times in the Westminster documents being replaced almost completely by "censures" and "government."

(4) Baxter's concern for true discipline beyond the controverted points of prelacy, presbyterianism, government and censure is set forth in his Reformed Pastor (John T. Wilkinson, ed.) pp. 61, 87, 90, 93, 107, 116, 137, 142, 175. The editor has noted Baxter's immense influence on the Wesleys (p. 37) and it is perhaps more than coincidental that the word discipline is used to describe the whole ecclesiastical structure of Methodism. This is loyal to the concern of the original reformers.



John Calvin had warned that discipline which was intended to be a remedy could become a poison.<sup>(1)</sup> In so far as discipline had become more a means of law than of grace his ominous prophecy was fulfilled.

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(1) Institutes IV, xii, 8

## Chapter VII

## DISCIPLINE IN THE NATIONAL CHURCH

From the practice of discipline in kirk sessions, we turn to view its exercise in the evolving national church of the late sixteenth century. The agents and agencies for the diocesan and national practice of discipline have already been introduced. The first Book of Discipline set forward the two basic instruments: the office of the superintendent, and assemblies. <sup>(1)</sup> The general strategy of regional and national discipline has been discussed, <sup>(2)</sup> and the shift from the coordinate jurisdiction of superintendent and assemblies to the presbyterian hierarchy of assemblies has been reviewed. <sup>(3)</sup> The purpose of this chapter is to see the actual practice of moral and spiritual discipline within the national church. The emphasis here is more with the process of censure than with discipline as presbyterian polity (though, as noted above, it was the latter, tangential meaning which took the center of the stage).

Three basic questions must be answered: (1) What was the nature, origin, and relationship to discipline of the much-belittled office of the Scottish superintendent; (2) How was discipline administered in the higher courts of the reformed church, and how was this coordinated with the work of kirk-sessions; and (3) What changes did the introduction of presbytery bring in the administration of discipline?

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(1) Supra, p. 45 et seq.

(2) Supra, p. 115 et seq.

(3) Supra, p. 144 et seq.

i The Nature, Origin and Disciplinary Functions of the Superintendent

Seldom has the Scottish office of superintendent been studied dispassionately and without bias. Old Priest and New Presbyter by Professor Normal Sykes and Presbyterianism by Professor G.D. Henderson are very important contributions in this area.

The judgment of some has been that the office of superintendent was merely temporary and transitional,<sup>(1)</sup> that it was an extraordinary rather than an ordinary office in the Scottish church,<sup>(2)</sup> and that it was therefore not an integral part of the basic structure and discipline of the church.<sup>(3)</sup>

This judgment that the original reformers recognized a basic incompatibility between superintendancy and assembly in matters of discipline and that the office of superintendent was only a temporary expedient is, it seems to me, without warrant.

The superintendent's visitation, as outlined in the Book of Discipline, was not limited to the initial "planting" of churches, nor was discipline a mere "accessory duty." Explicit instruction was given in the book itself that the superintendent was to divide his time between his chief church and his "othir churches." The superintendents were to remain in their chief towns three or four months at most and

(1) E.G., Row, History, p. 23

(2) Scot's Narration, p. 10

(3) Macgregor, op. cit., p. 44. "The disciplinary and administrative duties (of the supt.)...are in Scotland treated as accessory duties which can be conveniently performed by...travelling preachers."



shall be compelled...to reenter in visitatioun, in which they shall...preache....examyn the life, diligence, and behaviour of the ministers...the ordour of thaire churches...the maneris of the people....how the poor be provided...thei must admon- ische whaire admonition neideth...and, finalie, they must note suche crymes as be haynouse that by the censure of the church the same may be corrected. (1)

Nor was this full missionary, administrative, disciplinary office intended to be temporary. In the edict for the election of John Winram as Superintendent of Fife (executed 13th April, 1561) were these words: "...wythowt the cayr (of) superintendendis, neyther can the kyrkis be suddenlie erected, neyther can th(ei) be retened in disciplin and unite of doctrin..."(2)

Nor was the office presented in the Book of Discipline (or as treated in the early assemblies) an extraordinary office or a mere commiesion of assembly. It is assumed in the Book of Discipline that superintendents must "departe or...be deposed"(3) in order to leave their office. We have already noted that the general assembly treated the superintendents as basic to the structure of the church and refused to allow them to leave their burdensome duties.(4) At no time was a need for reelection expressed by the general assemblies.

The difficulty of later students of this period (in addition, perhaps, to some unconscious party bias) is their failure to understand that the office of superintendent was a very common and ordinary office

(1) Works II, pp. 204-5; supra, pp. 46, 117

(2) SAKSR I, p. 75; Source Book 2, p. 165

(3) Works II, p. 206

(4) Supra, p. 117 et seq.

among reformed communions during the sixteenth century, and their failure to grasp the nature of this office, which, though it differed considerably from the pre-reformation bishop (in matters of ordination, authority, relation to the state and to the church) yet was far from the simple parity of later presbyterianism.

The prevalence of the office is actually astonishing. In the index of Richter's collection of sixteenth century German ordinances we find the office of "die superintendenten" no fewer than fifty-three times. There were thirty-five German church ordinances using the office before 1560 and eighteen more during the period from 1560 to 1586. <sup>(1)</sup>

Bishop Stephen Neill in his The Christian Society notes that the reformation in Denmark was begun 2nd September 1537 when King Christian III caused seven divines to be consecrated to the office of superintendent. <sup>(2)</sup> Professor Sykes summons evidence to show that this modified reformed episcopacy was readily acceptable both to first generation Lutherans and Calvinists, and that debate centered not on the office but upon the title: whether the bad Latin "superintendent" should be allowed to supplant the good Greek "episcopos" or bishop. <sup>(3)</sup> Several direct Scottish connections with the office of superintendent on the continent and in England have already been noted. The office was standard and ordinary during the early reformation.

(1) Die Evangelischen Kirchenordnungen des sechszehnten Jahrhunderts, p. 513

(2) p. 145

(3) Op. cit., pp. 34-5

As we come to the specific origin and nature of the Scottish office of superintendent again we find the reformers leaning heavily on a'Lasco, whose Forma ac Ratio was known in Latin, French and German. Richter believed it to be the first comprehensive Calvinistic order. (1)

Professor Mitchell has pointed out the substantial connections between the a'Lascan and the Scottish offices of superintendent. (2) It is, therefore, not necessary to reproduce these here.

What is of more interest is that the a'Lascan order (which Knox and his co-reformers used as their text) described the nature of the office with great care. A few of the key passages which develop the nature of the office follow.

...Or en tout cest ordre d'Anciens, on en choisit un Superieur, a fin que par son autorité tout soit entretenu en l'Eglise en bon accord, & cestuy est appelle au preuilege du Roy, Superintendent, le quel est plus grand que les autres, seulement en cequ'il a plus de peine & de soing que tous les autres: non seulement au gouvernement de toute l'Eglise, mais aussi a la defendre... & a retenir un consentement unanime de tous, aux differens de la doctrine. D'avantage il n'a point plus d'autorité que les autres anciens, au ministration de la parolle & des sacremens, & en l'usage de la discipline de l'Eglise, a la quelle il est subiect comme tous les autres. (3)

(The ministry of the superintendent) est une ordonnance divine en l'Eglise...institué de...Christ....Et aussi nous voyons manifestement, qu'un mesme ministerie est également attribué a tous les anciens de l'Eglise, qui sont nommez Inspecteurs, et en Grec Evesques. (4)

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(1) Op. cit., p. 99. The Forma was translated into German by Martin Micronius in 1565.

(2) The Wedderburns and Their Work, p. 84 et seq.

(3) Forme et Maniere, p. 2

(4) Ibid., p. 9



(Not only was the superintendent to guard the ministers in their office, convoke them for good order and defend them from false doctrine, he was also) tuteur souverain de la discipline Ecclesiastique. (1)

(Although he had no more legislative or judicial authority than other ministers and elders, yet the superintendent's was the first place in the government of the church. All ministers and elders were to maintain l'honneur & autorite du superintendent. (Therefore only the best qualified men should fill the office)... comme il precede tous les autres ministres & anciens... en order & place, pariellement qu'il les precede aussi tous en faveur, pieté, gravité, & prudence. (2)

A'Lasco evidently was reaching for a policy which would square with the New Testament and the primitive church (as interpreted by continental reformers)--a policy which would make discipline and government matters of concern to the whole church and to every minister. (3) He also sought to avoid the extremes of the tyranny of one or two, (4) and of the anarchy of a complete democracy. (5) Yet all the while he had in view the political monarchy under which he was to operate in England and, doubtless, sought a scheme which, while not easily delectable to the

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(1) Forme et Maniere, p. 10

(2) Ibid., p. 10

(3) Ibid., p. 185

(4) Ibid., p. 226. "Premierement tout le gouvernement de nostre Eglise, ne consiste point au vouloir, n'en l'autorité d'un ou de deux, quelz qu'ilz soyent; mais au consentement & accord unanime de l'assemblée des ministres & Anciens..."

(5) Ibid., p. 18. "Nous avons estimé que 'il seroit bon a nostre Eglise, d'avoir une maniere qui fut conforme a la parole de Dieu, laquelle toutefois bouchast la voye a tous tumultes & discordes populaires, neantmoins que l'Eglise demourast en sa liberté, a savoir que l'autorité due peuple en l'Eglise, ne fut du tout mesprisée & que tout ce pendant soit fait honnestement & par ordre, comme Paul l'enseigne."

reformed bishops who adhered to the pre-reformation structure, might in time become palatable if supported by the crown and foreign reformed ecclesiastical pressure. We have seen how close a'Lasco's dream came to fulfillment in England.<sup>(1)</sup>

Summarizing the above, we conclude that a'Lasco, in the office of superintendent (which he himself had filled in Friesland and London) endeavored to combine a parity of legislative power among all elders (superintendents, ministers, seniors) with superiority of administrative function, responsibility and honor. Whether or not this was a practicable distribution and balance of authority was (and is) a debatable question, but a'Lasco (and Knox) believed it to be scriptural and workable.

This then explains the "difference betwix preachearis" of the first Book of Discipline.<sup>(2)</sup> Here was an officer, primus inter pares, necessary for the unity and coordination of the church, but one who must live under the discipline of the very assemblies in which he occupied the seat of first honor and responsibility.<sup>(3)</sup>

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(1) Supra, p. 73, et seq.

(2) Works II, p. 202

(3) Henderson, op. cit., pp. 46 et seq.

This careful balance of parity in legislative power with a limited superiority in administrative and judicial functions was not easy to strike. We have noted the counts against the office of superintendent which made it difficult for the early superintendents to achieve the honor intended to accompany their office. The office was an innovation in the ecclesiastical structure--it did not fit easily into the scheme of the three estates in parliament. Therefore it was not supported enthusiastically by parliament. (1) This, in turn, threw the office back almost entirely within the church, (2) where (in spite of adverse circumstances) it was practised with success and very little basic criticism for the first ten years of the reformation. During this period the superintendents filled these burdensome key positions with distinction.

The first serious criticism was levelled at the office in 1570 when the general assembly was asked

whether the superintendents may or ought to take up particular dilations in their chief and metropolitan kirks where good order is, and execution of discipline, and the weekly assembly by ministers, elders and deacons thereof, observed for the same. (3)

This attitude of kirk session independence may have stemmed from a wrong interpretation of an order of December 1565 which granted permission to sessions to function in discipline when necessary without the superintendent. (4)

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(1) Supra, p. 119

(2) And may account for the rise and growing importance of the general assembly.

(3) B.U.K. I, p. 194

(4) Ibid., pp. 74-5



The answer which assembly gave to this criticism is evidence for the high esteem in which the office was held during the early years: "Lett the superintendent and the kirk agree thereupon, not stopping the discipline any way."<sup>(1)</sup> This decision protected the honor and authority of the superintendent and gave to him and his council the necessary freedom to carry out discipline according to their own judgment. We are reminded again that the chief aim in this early period was not building up power or authority for any one agent or agency, but rather getting on with the work of discipline itself.

This flexible, balanced and coordinated jurisdiction seems to have been attained in St. Andrews. Superintendent Winram was addressed as "My Lord Superintendent," and the clerk of the seat entered a number of the records under the head "per dominum superintendentem."<sup>(2)</sup> Yet, even with this superior honor, Winram's authority was freely coordinated with that of his council. At times he ruled "wyth avis of the seat and ministerie."<sup>(3)</sup> Often both "superintendent and ministerie admonesed."<sup>(4)</sup> At other times the superintendent, though present, did not seem to be a party to the judgment of the session.<sup>(5)</sup> Perhaps these

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(1) B.U.K. I, p. 194

(2) SAKSR I, pp. 315, 373. That this was not accidental or exceptional is indicated by a supplication of an Edinburgh elder to the general assembly in 1574 which began, "unto yow, my lordis superintendentis, ministers, and utheris, etc." Edinburgh Record, p. 109

(3) SAKSR I, p. 315, 318

(4) Ibid., p. 314

(5) Ibid., p. 195, 326

were matters within the congregation of St. Andrews or cases in which the actions of the superintendent himself were in question. At all events, the superintendent seems always to have been welcome in any assembly whether dealing with local or diocesan matters. Winram even trusted his council to the extent of granting them authority to try diocesan cases in his absence. <sup>(1)</sup> In the early years, in an atmosphere of optimism and trust, this "joint jurisdiction"<sup>(2)</sup> worked effectively in knitting the new church together, in securing its establishment, and in the first efforts at discipline.

The functions of the superintendents in the admission, deposition and transporting of ministers need not be discussed here. These decisions were made with the judgment and advice of the nearest reformed ministers or kirk, <sup>(3)</sup> or synod. <sup>(4)</sup> But in matters of discipline and censure, the superintendents were indispensable, particularly in the landward districts. <sup>(5)</sup> Here they played the part of kirk sessions up to the point of final judgment in public discipline when they were required to give offenders citations to appear before a session or the superintendent's own council. Normally they could not function without the advice of a church court. <sup>(6)</sup> In extreme cases, however, where there were no reformed ministers or sessions, or where these agents were contemned,

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(1) SAKSR I, p. 321

(2) Hay Fleming, SAKSR I, pp. xxviii, 133

(3) B.U.K. I, p. 15

(4) Ibid., p. 29

(5) Ibid., pp. 74-5

(6) Ibid., p. 16

superintendents were given extraordinary power to execute excommunication.<sup>(1)</sup> This may have been abused because complaint was made that superintendents at times "consulted not with ministers and elders" even where these were available.<sup>(2)</sup>

The superintendent's normal method, however, was to delate offenders to a session or other reformed assembly who, in turn, usually took final action in matters of excommunication and public repentance. Sessions were required to handle cases presented to them by the superintendent, and were expected to report their judgments back to him.<sup>(3)</sup> In 1573 the assembly instructed sessions that since there had been session abuse in excommunication, "the cause and order of the process (must) be sighted be the bishop, superintendent and commissioner before the sentence be pronounced."<sup>(4)</sup>

Certain types of disciplinary cases came more and more under the province of the superintendent. Ministers and elders were, of course, subject to the discipline of their own sessions and congregations, but came also under the care of superintendents,<sup>(5)</sup> who were empowered to suspend obstinate ministers from office and stipend until final general assembly action could be taken.<sup>(6)</sup>

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(1) B.U.K. I, p. 195

(2) Ibid., 237 (a complaint against Winram, March 1571)

(3) Ibid., p. 43

(4) Ibid., p. 284

(5) Ibid., pp. 15, 16

(6) Ibid., p. 65. This was redefined in line with the first Book of Discipline in 1570/1. Ibid., p. 195



In December 1564 another type of discipline was given to superintendents--"sich as are relapse the thrid tyme in any kind of crymes, sich as fornication or drunkenness." These were not to be admitted to public repentance by local sessions until they had been sent to the superintendents "who sall give them sich injunctions as they think may make the offences to be haldin in horroure..."<sup>(1)</sup>

In addition to these cases, the superintendents were key participants in the other difficult disciplinary cases which regularly came before the synods and the general assembly.<sup>(2)</sup>

Enough evidence has been presented to demonstrate the centrality of the Scottish office of the superintendent in the early years of the reformation. The fact that there were no basic criticisms of the office (though individual superintendents were frequently subjected to discipline) is ample proof of the effectiveness of the office, the caliber of the men who first filled the positions, and the practical value of the constitutional limits and balances which the early reformers had established. There is no reasonable probability for the conjecture of William Scot early in the seventeenth century that "by process of tyme, the office wold have brought forth as bad effects as it did in Germany."<sup>(3)</sup> Sixteenth century Scots were conscious of this danger, disliked the tyranny of the pre-reformation bishops, and believed that the a'Lascan superintendency avoided just such dangers.<sup>(4)</sup>

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(1) B.U.K. I, p. 74

(2) *Infra*, p. 241-2

(3) *Scots Narration*, p. 15

(4) *Troubles at Frankfort*, p. cxlvii, et seq.

The value of the office is also further evidenced by the fact that it remained the norm and pattern for later key offices in the reformed church of Scotland: the reformed bishops of the Regent Mar in 1571/2, <sup>(1)</sup> the compromise office of commissioners to countries of 1576, <sup>(2)</sup> the reformed bishops of James VI in 1587, <sup>(3)</sup> the office of visitation in presbytery, <sup>(4)</sup> and to some extent a pattern for the seventeenth century constant moderators of synods and presbyteries.

The office of superintendent proved itself. It suffered eclipse not because it was inefficient, tended to tyranny, or was originally designed to be a transition office, but rather because it was an embarrassment to the absolute parity of the Melvillians and was too vulnerable in the presby-episcopal controversy. Had trust between church and state been secured, a sound order might have been built around the office of superintendent or reformed bishop which could have preserved both "the liberty of the kirk" and her assemblies while maintaining an office of great administrative value. Such an office, acting as liason between church and state, was badly needed in the late sixteenth and the seventeenth centuries.

It is interesting to note that many administrative functions such as those once assigned to the superintendents have been found necessary in presbyterian churches today. This accounts for the increasing centralization of church administration into boards, agencies and denominational

(1) Supra, p. 136; B.U.K. I, p. 209

(2) B.U.K. I, p. 353

(3) Ibid., II, p. 698

(4) Infra, p. 252

committees which usually use the talents of men of specialized training and administrative skill. Yet in most presbyterian churches these key positions have no ordinary constitutional place in presbyterian polity. The Knoxian and a'Lascan superintendent is not an exact precedent, but offers an office which, with some adaptation to modern needs, could recognize in theory what, in fact, is already common presbyterian practice--ministers who exercise superior administrative function while being held to parity in legislative and judicial power. The value from the point of view of ecumenical progress is, of course, unquestioned. This would seem to be within the spirit of the assembly action on church union of the Church of Scotland. (1)

The reformed bishop-superintendent is not without present witnesses. G. D. Henderson calls attention to the fact that such an office is set forth in the 1952 Kirkenordnung der Evangelischen Kirche im Rheinland, and is a basic part of the structure of the reformed church of Hungary. (2)

## ii The Administration of Discipline in the Higher Courts of the Church

Having surveyed the practice of discipline at the kirk session level, and having followed the chief early administrative agent of discipline (the superintendent), the remaining concerns are to view the coordination of the powerful higher courts with the kirk sessions in

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(1) *Supra*, p. 5

(2) *Op. cit.*, pp. 125, 131



discipline, and then, finally, to note changes in practice due to the advent of presbyterianism.

When we speak of "the higher courts," it is necessary to clarify the fact that in the early years of the exercise of discipline, these courts never were meant to detract from the congregationally centered nature of discipline. Just as the superintendent was given a joint jurisdiction with his seat, so the higher courts were not meant to supercede or supplant the authority of the congregation, but rather to support and reinforce it.

This can be noted from Knox's justification of the general assembly:

Without assemblies how shall good ordour and unitie in doctrine be kept? It is not to be supposed that all ministeris shalbe perfyte, but that thai shall need admonitioun, alsweill concernyng maneris as doctrin, as it may be that some be so styff necked that thai will not admitt the admonitioun of the simple. (1)

The types of discipline handled most frequently by the higher courts were the eldership (superintendents, ministers, elders) with special concern for the clergy, difficult or obstinate persons, and those guilty of heinous crimes (class C-D, page 180).

The Paul Methven case, already described, <sup>(2)</sup> is an excellent example of the manner in which the general assembly coordinated its power with the superintendent and his council to deal with an important minister. <sup>(3)</sup> Of course, not many of the ministers were guilty of such heinous sins as Methven. The following charges were most frequently brought against ministers: failure to preach, failure in communion, no discipline,

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(1) Works II, p. 296

(2) Supra, pp. 117, 215-16

(3) B.U.K. I, p. 79

not resorting to the exercise, not attending assemblies, inobedience to the superintendent and/or assembly, desertion of the flock.<sup>(1)</sup>

A special class of ministers who were increasingly singled out for discipline were the reformed bishops. This began with Alexander Gordon, pre-reformation bishop of Galloway. To sketch briefly his stormy career in relation to the new church will show the zeal of assembly in the discipline of top rank clergymen. Of course, it will be remembered, that from about 1580, the discipline of bishops was not primarily a matter of keeping them in proper life and exercise of their office, but rather of destroying the office itself.

Early in the reformation, without assembly action, Gordon seems to have claimed the superintendancy of Galloway.<sup>(2)</sup> Therefore the assembly of June 1562 began a process against the bishop to demonstrate the reality of the new order and discipline.<sup>(3)</sup> Gordon was too valuable to ignore, so he was given a commission in lieu of a full superintendancy. The church, skeptical of his double exercise of the "office of a superintendent and the office of a Lord of Session and Colledge of Justice," watched him carefully.

Gordon's contribution to the new church was invaluable as he sought privileges for the church, stipends and other badly needed advantages.

But his break with his past in friends, civil office, and manner of life was not as complete as the church wished, and this placed him in constant

(1) B.U.K. I, pp. 42, 50, 61, 63, 74, 172, 268, 421, 429

(2) Supra, p. 118; It must be granted that there was genuine basis for confusion here regarding the status of pre-reformation bishops and their right to fill the office of superintendent. If the Book of Discipline was authority, filling this office was not the concern, initially, of any assembly.

(3) B.U.K. I, p. 15; To follow this interesting case see pp. 28, 31, 39, 52, 112, 114, 131, 150, 261, 273-7, 282, 309, 319, 331, 334, 337, 343

suspicion of his more zealous fellow-reformers. In July 1568 he was inhibited from exercising the function of a commissioner; in 1572 he was discharged of all function with the church and ministry under pain of excommunication. The extreme censure was finally ordered in 1573 when he was tried for his involvement with "the Queen's party," and for contempt of assembly in refusing to appear to offer public repentance. But by 1575 he had "satisfied the kirk," and though denied the office of visitation, he was permitted to assist John Duncanson, commissioner of Galloway, "for keeping good order and discipline within these bounds." Gordon was first in a long line of bishops to fall under the censure of the national assembly. <sup>(1)</sup>

The process for the exercise of discipline with ministers (used with the bishop of Galloway as with Paul Methven) was deposition from office followed by full spiritual censure. Public repentance and/or excommunication, though ordered by the assembly (or synod) normally took place in the one or more local churches touched directly by the offense. Thus Gordon was ordered to make repentance in sackcloth in "the kirk of Edinburgh, . . . Halyrudhouse . . . and in Queen Colledge for Sanct Cuthberts." <sup>(2)</sup> We note here that discipline was still based in the local congregation. Yet inevitably the center of jurisdiction was tending to move from the session to the higher courts. This shift was not defined

(1) B.U.K. I, pp. 91, 165, 325, 331, 404, 453-5, 459, 464, 467, 479, 513

(2) Ibid., p. 282



clearly until later in the presbyterian period. <sup>(1)</sup>

In addition to ministers, various classes of "great persons" came before the high courts of the church: the nobility, <sup>(2)</sup> burgh magistrates, <sup>(3)</sup> papists and catholic clergy, <sup>(4)</sup> heads of universities, <sup>(5)</sup> Even the king, regent and members of parliament were not exempt from the censures of the church. <sup>(6)</sup>

Not only great persons but persons guilty of great crimes came under the discipline of the higher courts. The willingness to experiment in matters of policy in discipline becomes apparent as we note the evolution of the method for dealing with persons guilty of heinous sins and crimes.

We recall that at the July 1569 assembly, the Order of Excommunication made a special category for crimes and criminals--a category and method which compromised the spiritual ideal. This action formalized a ruling of the assembly in July of the year previous when it was ordered that those committing "horrible crimes" must be delated by the superintendents to the assembly and must appear personally before the national assembly in order to begin public repentance. <sup>(7)</sup>

In the summer of 1569 the first class of criminals came before the general assembly, <sup>(8)</sup> where they were ordered to meet with their

(1) *Infra*, page s 249-50

(2) B.U.K. I, pp. 40, 58, 114, 117, 165, 182, 262, 269, 418, 419

(3) *Ibid.*, p. 5

(4) *Ibid.*, pp. 40, 126, 213, 250-4, 262, 341, etc.

(5) *Ibid.*, pp 33, 35, 58, 60, 108, 127, 212, 213, etc.

(6) *Ibid.*, pp. 6, 252, 41, 265, 329-30, 367

(7) *Ibid.*, p. 123

(8) *Ibid.*, p. 144. Those who did not appear were ordered excommunicated and the supreme magistrate notified so punishment could be executed. (p. 145)

superintendents, or with commissioners from their own churches, to receive injunctions. The discipline outlined consisted of a probationary period of approximately six months after which it was ordained that they must again come before the assembly with testimonials of good behaviour from their local ministers. <sup>(1)</sup> When this was done (bare-headed, bare-footed and in linen cloth), assembly would permit them to continue public repentance in their local churches. <sup>(2)</sup> Distinction was made between criminals reconciling before, and those reconciling after excommunication. The former could be received after three Sundays of public repentance, being admitted to both preaching and prayers; the latter were forced to endure six Sundays and could hear the sermon only. <sup>(3)</sup>

Thus it becomes evident that not only was the jurisdiction in discipline gradually being absorbed by the general assembly, but the very process of repentance, satisfaction and humiliation also was partially assimilated.

There were obvious disadvantages to the scheme just outlined; distance to travel, poverty of offenders, and confusion at general assembly. Therefore, in March 1570/1 the processing of criminals was turned over to the synodal assemblies for more efficient administration. <sup>(4)</sup> This was

- (1) Somewhat longer than the forty days minimum demanded by the Order of Excommunication.
- (2) This was the process prescribed for Paul Methven and incorporated into the Order of Excommunication.
- (3) B.U.K. I, pp. 159-161. Other groups of criminals appeared before assembly. Ibid., pp. 159, 161, 176
- (4) Ibid., p. 189

localized still further when, in February of 1587, presbyteries were authorized to handle the cases of serious crimes. <sup>(1)</sup>

It is important to reemphasize the close and remarkable (if not always consistent) cooperation and support given by parliament to discipline when defined as "the correction of manners" (as parliament insisted upon defining it). <sup>(2)</sup> The church-state controversy must never obscure the fact that the Scottish reformers received more civil support for their discipline than perhaps any other reformed country or territory. <sup>(3)</sup> A series of acts of parliament can be traced to demonstrate that the government not only supported the church and her agencies against papistry, adultery, incest, witchcraft and fornication (most of these having been secured as early as Queen Mary's reign), but also forced persons to recognize and submit to the "order of the kirk" in both worship and discipline. <sup>(4)</sup>

(1) B.U.K. II. p. 710. This is a good indication of the spread of the church, the erection of presbyteries and effective support of parliament and civil power.

(2) A.P.S., iii, 24, 12; iii, 137, 7; cf. B.U.K. II, p. 420

(3) Supra, pp. 138, 142, 157, 159

(4) A.P.S. iii, pp. 71, 72. Inter alia:

1572 -- People forced to reconcile -- A.P.S. iii, 76, 14

1579 -- Laws against Sabbath breaking and approving ecclesiastical fines for pious uses -- iii, 138, 8

1581 -- Against oaths and swearing -- iii, 212, 5

1593 -- Against Sabbath fairs and markets -- iv, 16, 6

1594 -- Against usury -- iv, 70, 32

1594 -- Against papists -- including death, confiscation of property -- iv, 62, 3-7. This was no idle threat. We note the following pathetic entry in the record of the presbytery of Aberdeen for 7 August, 1601: it is George Gordon's letter excusing his absence from presbytery, and expressing his fear of excommunication: "...for I knaw ondoubtillie that sentence will preiuge my wardlie estait, and will be ane greit motione to yow of the Kirk of Scotland to crave my blude. I heir offeir, giff thair is nathing can satisfie you (if) I remane Catholick, bot my bluid and wardlie wraik...for my professioun, quhilk is Catholick Roman, I will maist willinglie offere it for the Same..." p. 180



In 1593 bedels and ministers were actually given license to charge obedience "in name of God and king."<sup>(1)</sup> The real problem was not one of legal sanction and support, but one of lack of universal enforcement and practice of the laws especially in the landward and distant areas.<sup>(2)</sup>

Frustration here (as well as over the matter of polity) led the church to impatience with the civil government and widened the gulf which became fixed between them. This led the church with increasing frequency to resort, through her higher courts, to the special compromise method of summary excommunication.

One year after summary excommunication was officially sanctioned in the Order of Excommunication, the assembly showed how easy abuse could be, and the direction abuse would take. The July 1570 general assembly unwisely ordered that those who treated ministers with scorn ought to be "summarily upon the notoriety of the fact, excommunicated."<sup>(3)</sup> Six years later the church tried to set some limit upon summary excommunication: admonition was given to all ministers that "unadvisedly they proceed not to excommunication and absolution."<sup>(4)</sup>

But the pattern of quick excommunication was established, and it furnished a very ready tool for a defensive clergy. In April of 1582, with Andrew Melville as moderator and with tension high between church and crown over episcopacy, the assembly threatened any and all ministers who refused the jurisdiction of the church with "excommunication, summarlie,

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(1) A.P.S. iv, 16, 6-7

(2) Ibid.

(3) B.U.K. I, p. 178

(4) Ibid., p. 358

and without any process or admonitioun."<sup>(1)</sup>

When the king and church were in a more compromising mood (after the turbulent period of the Ruthven raid and the Black Acts), excommunication was one of the important issues discussed. Was the new presbytery to have this power? It was agreed that presbytery "hes power to excommunicat the obstinat, formall process being led, and dew intervalls of tymes (being observed)."<sup>(2)</sup> Spottiswoode, commenting later on this assembly (may 1586) made these astute observations:

(The ministers) transgressed the order set down in their own assemblies, which appoynts admonitions and prayers to be used for persons before sentence be pronounced. (Spottiswoode also noted that originally) ...ministers in their synode...(might) not excommunicate any person without the consent of the church whereof he is a member. (3)

Though forced officially to limit this practice of summary excommunication to criminals as prescribed in the Order of Excommunication,<sup>(4)</sup> abuses must still have been all too frequent because in the assembly of June 1595 the king registered an angry protest against three aspects of excommunication: (1) it ought "not be at the appetite of two or three particular kirks;"<sup>(5)</sup> (2) it must not be used for "civill or small crymes" lest it "imitate the popes cursing and incur contempt;" and (3) "the forme of summar excommunication without any citatioun (must) be alluterlie abolischit."<sup>(6)</sup>

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(1) B.U.K. II, p. 564

(2) Ibid., p. 665

(3) History, p. 340

(4) B.U.K. II, p. 776

(5) Here, of course, the king was seeking to undermine the presbytery.

(6) B.U.K. III, p. 852

The king spelled out his demand of the church regarding the use of discipline in March 1596/7 in terms of the church's own early, ideal policy: i.e., excommunication must be only after three lawful citations with at least eight days between each.<sup>(1)</sup> Certainly the king was just in this requirement because the abused summary excommunication meant that not only had the church's discipline become law, but poor law. The church was demanding the right to exercise a tyranny which eliminated even the normal legal process and proper trial.

Yet the church could not agree. The Synod of Fife in 1597 clearly defended the church's right to use the irritating summary excommunication.<sup>(2)</sup> At the end of the century the king and church were far apart as this conflict shows. The king had the early theory and practice of discipline in his favor while the church had drifted from her own ideal. Her exceptions and compromises tended to become her rules.

But the new church had established herself. Her struggles and her hardened discipline had given her political unity and strength. Her hierarchy of presbyteries, synods and the national assembly had formed an effective ecclesiastical system for general government and control as well as for communication, education and missionary expansion.

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(1) B.U.K. III, p. 891

(2) Calderwood V, p. 594



### iii Changes Brought by Presbytery in the Administration of Discipline

On the surface the inauguration of presbyteries<sup>(1)</sup> brought little change in the practice of discipline. The evolution of the full system of graded courts did help to insure a greater possibility for justice in that it gave the accuser the right to appeal. The district elderships, though not a part of the first reformation strategy and though not even clearly defined in the second Book of Discipline were not a rude innovation, but rather a very natural development.

Presbyteries were the normal result of three major causes: (1) the church's desire to find a substitute for the vanishing office of the superintendent; (2) the failure of the local kirk sessions in landward and unreformed areas;<sup>(2)</sup> and (3) the determined efforts of ministers to curtail interference in the church.<sup>(3)</sup> We have noted that this latter goal was gained by making the attendance of elders at presbytery optional and stabilizing the eldership by making it an office for life rather than a one-year term.<sup>(4)</sup>

The district eldership must have grown from at least three roots. The ambiguous term "particular kirks...ane or ma," of the second Book of Discipline, may have been intended to gather up three assemblies already in existence: (1) the general kirks in the large burghs; (2) the exercise; and (3) the common elderships which may have come into being in certain landward parishes.<sup>(5)</sup> Platting of presbyteries must have appeared a very

(1) Supra, p. 155

(2) Percy, op. cit., p. 379

(3) Supra, p. 150

(4) Ibid.

(5) B.U.K. II, pp. 439, 535, 508

logical step.

The new court was thus a normal and integral part of the reformed scheme, and it functioned in discipline just as the other courts (the synods and general assembly). But, since the presbytery seemed to challenge more directly and immediately the authority of the local congregations, its initiation forced the tension between congregations and the higher courts into open discussion. We have noted that during the Knoxian period the ideal relationship between the local congregation and the higher courts was a coordinated jurisdiction in which careful balances were attempted. It was not at all clear that higher courts should rule over local sessions. Yet practice had moved in this direction. It was the second Book of Discipline which clearly defined the power of the general assembly over all persons.<sup>(1)</sup> Such a shift of power, however, could not be immediate, nor could it be achieved without challenge, and it is instructive to trace the gradual shift of power from the congregation and session to the new presbytery and the hierarchy of higher courts.

The question of the distribution of power in the church apparently first came up for serious discussion when the king's committee met in Stirling, December 1578.<sup>(2)</sup> The committee inquired of assembly that if the church can be called "those who bear spiritual function, . . . is this of the particular presbytery (meaning local session or district eldership)

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(1) B.U.K. II, p. 497; cf. Source Book 3, pp. 28-29

(2) *Supra*, p. 147

or of the general kirk?"<sup>(1)</sup> The church at this time did not commit herself to an either-or position when (the following July) she made answer "concerning the doubt made upon the second article:" the kirk "explains... and declares, it is understood both of the particular presbytery and the general kirk."<sup>(2)</sup>

But as the scheme of district presbyteries developed successfully during the 1580's, the question of the honor and power of the new court became more urgent. In May 1586 the general assembly clarified the fact that particular kirks "have power and jurisdiction of their awin congregations in matters ecclesiastical, to tak ordour therewith, and things that they cannot decide, to bring them to the presbytery."<sup>(3)</sup> Then in June, 1587, assembly added that particular kirks "should be subject to their presbyteries..."<sup>(4)</sup> What this meant was unmistakably clear after the establishment of presbyterianism, when the power question was finally resolved in April 1593 by the following act: "generallie, the assemblies hes the hail power of particular elderschippis, quhairof they are collectit."<sup>(5)</sup>

This shift from a shared, distributed and coordinated jurisdiction to a deliberate policy of the subordination of lower to higher courts with a minimizing of the local congregation was not easily or happily accepted by the older burgh congregations. On 20th September, 1587, the kirk session

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(1) Calderwood III, pp. 433-4

(2) B.U.K. II, p. 432

(3) Ibid., p. 666

(4) Ibid., pp. 694-5

(5) Ibid., III, p. 808



of St. Andrews asked the town council for action concerning "sindry questions (which) fall out betuix the Presbitrie and the sessioun."<sup>(1)</sup>

Tension was strong again in June 1598 when the stubborn session refused to cooperate with presbytery explaining that "it behovit thame to stand for the libertie of thair sessioun..."<sup>(2)</sup>

The process of discipline had not changed appreciably, but there was considerable difference in the authority and arrangement of the agents and agencies. Not only had the superintendent gradually disappeared, but so had the congregation as the basic agent and authority of discipline. Slowly effective power in discipline had moved first from the congregation (the whole church) to office bearers; then, from the local session to the higher courts.

A few items in the clarification of the disciplinary process for presbytery may be noted.

With the rapid spread of presbyteries, further standardization of the disciplinary process for the new court was requested. In the October 1581 assembly the Synod of Lothian asked for "uniformity ...for sumounding of persons before the presbytery and process that is to be led befor the same."<sup>(3)</sup> The following summons used by the Presbytery of Haddington between 1589 and 1592 may have been very similar to the standard form recommended by assembly.

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(1) SAKSR II, p. 604

(2) Ibid., pp. 851-60. This was a case of slander where the session refused to produce the disciplinary process before presbytery.

(3) B.U.K. II, p. 535

### Ane Forme of Summondis

The Presbyterie of Hadingtoun to our lovitis (N.,) officeris in that part, executouris heirof, We command zow, that incontinent eftir the sycht of this our precept, ze pas and warne...to compeir befoir us in our Assemblie, to be haldine in the paroch kirk of Hadintoun, the ...day of ...nixtocum, at elevine houris befoir none, to answer for the sclander offerit be..., throw lang lying in..., contrarie the Law of God and Christiane maneris, and to heir...self ordanit to onderly the Discipline of the Kirk; thairfoir, with certificatioun as efferis, the quhilk to do we commit to zow, conjunctlie and severallie, our full power be this precept, gevin under the subscription manuall of our Moderator and Clerk. At Hadingtoun, the ...day of ...

### The Secund Summondis

...with certificatioun and failzie, we will proceed to excommunication against...as contemner of the ordour and discipline of the Kirk; the quhilk, etc. (1)

The discipline for criminals was turned from the synods to the presbyteries in February 1587.<sup>(2)</sup> In May of 1592, the assembly found it necessary to instruct presbyteries "anent the form and order of excommunication to be used against notorious murtheris." The order was simple and incorporated the same basic process already familiar into the new court: "the Booke of excommunication to be keipit and followit..."<sup>(3)</sup>

The growing importance of the presbytery is shown in two important matters relating to excommunication. In April of 1593 the assembly clarified the fact that presbytery "hes power to excommunicate the

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(1) Wodrow Miscellany, pp. 523, 523-6

(2) *Supra*, p. 242-3; B.U.K. II, p. 710

(3) B.U.K. II, p. 789

obstinat. "(1) But an additional responsibility in excommunication tied the authority of presbytery to every serious session disciplinary case. In 1597, in answer to questions raised by the Synod of Fyfe, the assembly ruled (as it had done for superintendents at an earlier period)<sup>(2)</sup> that "every ecclesiastical judgement have (the) right to excommunicate in their bounds...howbeit, in respect of the weightinesse of that censure, it is thought good that the sessions proceed not without advice of their presbyterie."<sup>(3)</sup> The Perth session seem to have been operating under this policy, when in a murder case, it was minuted on 15th May, 1598 that the session "would proceed against (the murderer) with the sentence of excommunication...but referred the form to the determination of Presbytery."<sup>(4)</sup>

Of course, one of the primary disciplinary responsibilities of the presbyteries was to fill the function of visitation left by the superintendents, the bishops and the commissioners. In April 1593, assembly reaffirmed that presbyterial visitation commissions "universallie is thocht ane thing verry necessar...to visit and try doctrine, lyfe and conversation, diligence and fidelitie of the pastouris within the said presbyteries."<sup>(5)</sup>

The Presbytery of Aberdeen determined to rotate its meetings through the churches of presbytery to accomplish visitation.<sup>(6)</sup> These were no mere formalities, but followed the same scheme of inquisition

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(1) B.U.K. III, p. 808

(2) Supra, p. 235

(3) Calderwood V, p. 595

(4) Perth Record, p. 276

(5) B.U.K. III, p. 800

(6) Aberdeen Record, p. 168; 11th July, 1599



familiar in the a'Lascan order and practised in the other assemblies of the Scottish church. The report of the visitation of Aberdeen Presbytery allows a glimpse of this process.

Mr. Wm. Forbes, minister removed, and being censur'd be inquisitioun of the eldaris, and remanet of the parochin, testifeit weill of him, declarand that he increasat in doctrine and in diligence anent the exercising of discipline. (Then presbytery turned to the elders in a group) quha wer putt in memorie of thair aithis and offices, and exhortit be the moderatour to purge sin and putt the actis of the kirk to executione upoun all persons culpabill without exceptione or respect of personis, that God may be glorifiet amangis thame. (1)

The more common method of visitation was the sending of a commission of two or three ministers to each congregation as was the custom in Elgin and Edinburgh presbyteries. (2) Yet the process was exactly the same.

A very important part of the visitation was a viewing of the "book of session" (3) or the "book of discipline" (4) as the clerk's record of disciplinary action was termed. One minister was complained against that "instead off ane buik he haid ane scrow; his discipline wes altogidder informall." He was ordered to get a new book and "pen yairin his discipline." (5)

Thus, by the turn of the century, the district eldership (the presbytery) was placed effectively (if not too securely) in the great structure of presbyterian courts. It furnished an effective and efficient agency for ecclesiastical government and discipline which, in a time of greater trust,

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(1) Aberdeen Record, p. 168

(2) Elgin Record, p. 41; Edinburgh Record, Wodrow Miscellany, pp. 460, 464.

(3) Edinburgh Record, op. cit., p. 464

(4) Ellon Record, p. 24; Glasgow Record, p. 73

(5) Ellon Record, p. 25

need not have minimized the authority of the laity and the local congregation, nor need it have supplanted the office of superintendent whose efforts could well have been coordinated with those of the several presbyteries comprising a synod for still more efficient oversight. <sup>(1)</sup>

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(1) Such an office of synodical superintendent coordinating the work of congregations, presbyteries and synod, has been used for many years in the United Presbyterian Church of North America. Unfortunately, the term "synodical field secretary" has been substituted recently.

## Chapter VIII

## GENERAL SUMMARY

Protestant discipline was a theory of immense importance in the Scottish, English and European reformations of the sixteenth century. Later confusion and disparagement should not blind modern scholarship to the high value set on the "third mark" by the reformers. Behind the tensions of late sixteenth century Scotland we have glimpsed a great unitive theory of discipline which never quite reached agreement and practice, but yet may offer the modern church a clue and precedent to enable her to rise above the bias and restrictions of fixed ecclesiastical politics and ceremonies.

Discipline was important, but always highly controversial. Questions about the relative importance and nature of discipline were never universally agreed upon by the protestant reformers. This was disastrous because, lacking clear and accepted definition, it was inevitable that the new churches would develop divergent and conflicting theories and practices.

Why was not a clear and universal definition reached? I do not believe this can be answered until two more major studies in discipline have been made--studies of the disciplinary theories of Martin Bucer and John Calvin. There are evidences of much strain and lack of clarity in the Frankfort experiences and the Scottish documents. I



conjecture that this mirrors an insecurity caused by Calvin's retreat from the broad, bold theory of Martin Bucer and, perhaps, from Calvin's own earlier position. I am convinced from Calvin's treatment of discipline in the 1559 Institutes that he had become hesitant about the value of the contemporary practice of discipline in many reformed areas. I have suggested that this may have been for theological reasons (the possible tyranny of an external aid over the Word and sacraments) or for a very practical reason--the fear of losing England to the reformation. Certainly the net result was to lead Calvin to reduce discipline to a system of judicial censure omitting it as a necessary mark of the true church.

This reduction of scope and importance was not loyal to the great theory which Martin Bucer had projected in De Regno Christi for England at the time Knox and other Scottish and continental reformers were forming their definitions of discipline. Further Bucer and Calvin study will either verify or prove invalid the conjecture that actually Calvin may have been responsible for reducing the theory of discipline just at the time that the Scottish (as well as English) reformers needed guidance consistent with their earlier Bucerian training.

Calvin had much to justify his fear of discipline and disciplinarians. But he may have "thrown out the baby with the water." He may have lost the broad, flexible, unitive theory which was so badly needed in emerging protestantism. He might better have served his own precious cause of reformation and ecclesiastical unity if, instead of reducing discipline to censures, he had accepted the broadened theory to furnish a

cement to bind the Word, sacraments, church and Christian life firmly together. This latter theory could then have been reduced to the place of a secondary mark to preclude its tyranny over Word and sacraments, but could still have held ceremonies, government, Christian education, social action and moral control in a dynamic spiritual tension. Just such a theological and ecclesiastical principle was needed to give flexibility and to keep the discipline of censures from becoming harsh, external, legalistic and intolerable. It was also needed to keep a particular polity from becoming sacrosanct. Through this study we have watched the failure of Scottish discipline in these two areas for lack of such a spiritual corrective.

Knox and the early Scottish reformers kept their own counsel, though obviously they were influenced by their contemporary theological giants. They followed Bucer in the scope of discipline; a'Lasco in the relative importance and forms of discipline; Bishop Hooper in puritan zeal and spirit in discipline. The Scots admired the successful Geneva experiment of Calvin in ecclesiastical censure, but they needed a broader concept to bring order and unity to a nation and a national church. Calvin and Knox were bound by the common concerns of reformation and by their shared Geneva experiences, yet there were sharp differences between them in the area of discipline. Calvin did not approve Knox's rigor, strictness and indiscretion.<sup>(1)</sup> And we assume

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(1) Works VI, p. 124. Letter from Calvin to Knox, 23rd April, 1561

that Knox could not approve either Calvin's shrivelling of discipline to censures or relegating it to the position of an unnecessary mark.

Mutual admiration did not erase these differences and may explain to some extent the poverty of correspondence between them. <sup>(1)</sup>

After viewing the forty year period from 1560 to 1600 in Scottish church history, we have found three distinct theories of discipline which reflect the confusion and indecision of native and foreign reformers. First (1), discipline was defined as corrective censures. This was universally agreed to by early reformers and was designated unequivocally by the technical term "Ecclesiastical discipline." It was this system which Knox described by the analogies of "the brydle," "the spurre," and "the Father's rodde...to chastise gentilye the fautes committed."

Second (2), discipline appeared as "censures plus policy." Here discipline was really the exercise of the whole church in all three marks "in such thingis as may bring the rude and ignorant to knowlege, or ellis inflambe the learned to greater fervencie, or to reteane the Church in gude ordour."<sup>(2)</sup> This broadened definition is witnessed to by the comprehensive title, The Book of Discipline. It was not accidental or uniquely Scottish because there were precedents in Bucer's thought, in the Frankfort controversy and in the French orders. Certainly this comprehensive theory (which included preaching, sacraments,

(1) Works VI, pp. 9, 10. Neither David Laing nor M. Bonnet were able to discover the "...plusieurs lettres de Jean Cnox a Calvin" believed to exist in the library in Geneva.

(2) Supra, p. 42



worship, ordering of the ministry, education in church, school and home, fasting, social concern, government as well as censures) was fighting for a place in Knox's mind as he penned his classic definition of discipline: "an ordre left by God unto his churche, whereby men learne to frame their wills and doinges, accordinge to the laws of God."<sup>(1)</sup>

The third definition, which emerged during the Melvillian period (because the great unitive theory of definition 2 was lost) was discipline as presbyterian polity. Here the element of government was lifted out of the broader theory and allowed to become sacrosanct and fixed. As definitions 1 and 3 became dominant, not only was the more valuable definition 2 lost, but the very word discipline became odious to an increasing segment of protestantism. This, as we have noted, was because censures became more penal than remedial, and disputes over ecclesiastical government led to a defensive, institutional, sectarian spirit.

Had the definition in terms of theory 2 become fixed, not only would censure and government have been more carefully limited and controlled, but the more central and essential marks of Word and sacraments might have been freed to elevate the disciplines of preaching, liturgy, worship, catechism, education and social action to the dominating and determinative place in the Scottish church. Of course these latter elements were never ignored (as witness, for example, the comprehensive concern of the kirk session of St. Andrews<sup>(2)</sup>). But these

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(1) Supra, p. 31

(2) Ibid., p. 206

were seldom, if ever, thought of as discipline. Thus censure and government, which represented the most human and external aspects of the grace-faith encounter, were allowed to tyrannize and, at times, to destroy the very meaning of faith by substituting institutional and ethical conformity for a free response to God in Christ in Word and sacrament.

It seems to me that American presbyterianism at least has not yet recaptured the great unitive theory of spiritual discipline. The 1958 Constitution of the United Presbyterian Church in the United States of America defines discipline in two ways: "in the general sense of administrative discipline or in the restricted sense of judicial discipline."<sup>(1)</sup> Judicial discipline is then defined as "the special and orderly exercise of that authority which Jesus Christ has vested in his Church for the prevention and correction of offenses." This corresponds to definition 1 of the Scottish documents.

Administrative discipline has for its purpose "the preservation of the whole government of the church by the maintenance of its purity, growth, and spiritual influence, by the proper exercise of its authority, and by the protection of the rights of its members, officers, congregations, and judicatories."

Though this may be interpreted to comprehend both definitions 2 and 3, it seems to me that its sense comes closer to the Melvillian con-

(1) The Constitution, p. 177; Published by the office of the General Assembly of the United Presbyterian Church in the United States of America, Philadelphia, Pa., U.S.A.

cept of discipline as a particular government than to the Knoxian theory of the total, spiritual exercise of the church. If definition 2 is comprehended by the phrase "the maintenance of its purity, growth, and spiritual influence," then this ought to be lifted out and made primary. Perhaps, in reformation terminology, it might be termed "the discipline of spiritual policy" to which both administrative discipline (government) and judicial discipline (censures) must remain obedient. I believe this would be loyal to early Scottish reformation theory (though practice soon fell short). Its value for modern ecumenical development is obvious.

This search for definition in Scottish discipline has been instructive. Also it has been valuable to note that the hardening of discipline into censures and government was caused largely by the political complexity and the fierce tensions of the late sixteenth century. These produced the defensive second Book of Discipline, and have obscured two important and seemingly contradictory facts about the first book. These facts are of great potential value. In addition to the "Erastian" spirit of the first book, we find a very strong congregational concept of the church. It was the worshipping congregation which was the core and authority of the Knoxian church and discipline. Yet this was coupled with a near-episcopal theory of national and diocesan unity and supervision symbolized and actualized by the office of superintendent. The early reformers did not believe these to be incompatible.



In a political situation as free as the Scottish church today (and this can be said for many other presbyterian bodies) churchmen may again favor a very democratic theory of the church giving the greatest possible place for the leadership and ministry of the laity and emphasizing the worshipping congregation as the very essence of the church. At the same time, the door may be kept open for at least semi-episcopal offices needed for administrative efficiency and unity so long as these are limited along Knoxian lines (as clarified in the a'Lascan Forma ac Ratio).

A church intent on framing her will and doings according to the law of God will be a living church. Her spiritual discipline (the sinew binding together Christ's earthly church and bodying forth the word, sacraments and every moral concern) will never reduce itself to institutional polity or external censures (though these form necessary components). Discipline is the greater yoke of Christ!

## APPENDIX

The Reformed Church and the Consistorial Courts. <sup>(1)</sup>

The pre-reformation consistorial courts gradually had extended their jurisdiction over many kinds of civil cases as well as over ecclesiastical matters. After the reformation, with the crown and the church hostile toward each other, it was extremely important to the church to have defined clearly the scope and nature of the new reformed consistorial or superintendents' courts. On the 4th July, 1562 assembly made petition to the Lords of Secret Council "that either they give up universallie the judgement of divorce to the Kirk and their sessionis, or els to establish men of good lyves, knowledge and judgement to take order thereof."<sup>(2)</sup> A further commission was given in December "to the Superintendents of Angus, Lowthiane, Glasgow, and Fyfe, with David Forrester, to travell with the Lords of Secreit Counsell to know what causes sall come in judgement to the Kirk, and what ordour of execution salbe tane therin."<sup>(3)</sup>

In December 1563 the Queen "thocht gude that jurisdictionis be erectit...for discussing of the saidis caussis....,"<sup>(4)</sup> and the royal charter was actually granted constituting the commissaries of Edinburgh on 5th February, 1563/4.<sup>(5)</sup>

It is more than coincidence perhaps that also in December, 1563

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(1) *Supra*, p. 121

(2) B.U.K. I, p. 19

(3) *Ibid.*, p. 29

(4) *Register of Privy Council I*, p. 252

(5) *Balfour's Practicks*, pp. 670-72; cf. SAKSR, p. 269, note

"it was thocht neidfull for farther affirmation of the Booke of Discipline" for a commission of assembly (principally of lawyers--Earl Marishal, Lord Ruthven, Clerk Register, Justice Clerk, Balnaves, Forrest, and George Buchanan)

...onie thrie or foure of them, to oversie the said booke diligentlie, consider the contents therof, noteing there judgments in wryting; and to report the same to the nixt Assemblie Generall of the Kirk; or if ane Parliament happin to be in the meanetyme, that they report the saids judgements to the Lords of the Articles that sall chance to be chosen for the said Parliament and that they beginne...immediately after the dissolving of this Assemblie...and...continue till the said booke be thoroughly revised. (1)

What was the purpose of this urgent commission? Was it a hope to push through parliament a less offensive scheme of discipline? Or was it mainly an attempt to clarify and protect the superintendent's office and jurisdiction? Could it have been an effort to revise the Book of Discipline in such a manner that it might have served as a proper legal instrument to replace the Canon Law in the consistorial courts? Whatever efforts were made, and for whatever purpose or purposes, all seem to have met frustration. In the records which remain there is no report of this commission, and we know that when the new consistorial courts came into existence, they were not within the reformed church structure nor was it a reformed document which was used as the foundation for justice. It was a revised canon law of the pre-reformation church which was the legal instrument used.<sup>(2)</sup> Not only did the superintendent's

(1) B.U.K. I, p. 4

(2) Riddell, Peerage and Consistorial Law I, p. 449 et seq.



office suffer loss in power and prestige, but the breach between church and state was widened by the erection of the new court.

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